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**HEARING ON FEMA'S TOXIC TRAILERS**

Thursday, July 19, 2007

House of Representatives,

Committee on Oversight and Government

Reform,

Washington, D.C.

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**Committee Hearings**

of the

**U.S. HOUSE OF REPRESENTATIVES**



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6 Committee on Oversight and Government

7 Reform,

8 Washington, D.C.

9 The committee met, pursuant to call, at 10:00 a.m. in  
10 room 2154, Rayburn House Office Building, the Honorable Henry  
11 A. Waxman [chairman of the committee] presiding.

12 Present: Representatives Waxman, Towns, Maloney,  
13 Cummings, Davis of Illinois, Clay, Watson, Yarmuth, Braley,  
14 Norton, Cooper, Hodes, Murphy, Sarbanes, Welch, Davis of  
15 Virginia, Souder, Platts, Issa, Westmoreland, Foxx, Sali, and  
16 Jordan.

17 Also Present: Representatives Melancon, Jindal, and  
18 Taylor.

19 Staff Present: Phil Schiliro, Chief of Staff; Phil  
20 Barnett, Staff Director and Chief Counsel; Kristin Amerling,

21 | General Counsel; Karen Lightfoot, Communications Director and  
22 | Senior Policy Advisor; Greg Dotson, Chief Environmental  
23 | Counsel; Erik Jones, Counsel; Earley Green, Chief Clerk;  
24 | Teresa Coufal, Deputy Clerk; Caren Auchman, Press Assistant;  
25 | Zhongrui ``JR`` Deng, Chief Information Officer; Leneal  
26 | Scott, Information Systems Manager; Kerry Gutknecht, Staff  
27 | Assistant; Will Ragland, Staff Assistant; David Marin,  
28 | Minority Staff Director; Larry Halloran, Minority Deputy  
29 | Staff Director; Jennifer Safavian, Minority Chief Counsel for  
30 | Oversight and Investigations; Keith Ausbrook, Minority  
31 | General Counsel; Ellen Brown, Minority Legislative Director  
32 | and Senior Policy Counsel; Steve Castor, Minority Counsel;  
33 | John Cuaderes, Minority Senior Investigator and Policy  
34 | Advisor; Patrick Lyden, Minority Parliamentarian and Member  
35 | Services Coordinator; Brian McNicoll, Minority Communications  
36 | Director; Benjamin Chance, Minority Clerk; and Ali Ahmad,  
37 | Minority Staff Assistant and Online Communications  
38 | Coordinator.

39 Chairman WAXMAN. The meeting of the Committee will  
40 please come to order.

41 Today we begin two days of hearings on the Federal  
42 Emergency Management Agency. These hearings are part of a  
43 series of hearings in this Committee on how to make  
44 Government effective again.

45 In the 1990s, FEMA was a model Government agency, but,  
46 as Hurricane Katrina showed, cronyism, under-funding, and  
47 lack of leadership turned FEMA into the most ridiculed agency  
48 in the Government.

49 In these hearings we will ask whether FEMA has learned  
50 the lessons of Hurricane Katrina and restored its capacity to  
51 protect the public in disasters. Today we are going to look  
52 at a narrow but telling subject: FEMA trailers that exposed  
53 our citizens to dangerous levels of formaldehyde. Then in  
54 two weeks we will look at the broader topic of FEMA's  
55 preparedness for the next disaster.

56 I want to commend our colleague, Ranking Member Tom  
57 Davis, for asking for the preparedness hearing and for his  
58 bipartisan approach to these issues.

59 Americans were repulsed by the indifference and  
60 incompetence of FEMA displayed after Hurricane Katrina.  
61 Incredibly, FEMA has adopted the same attitude in addressing  
62 reports of high levels of formaldehyde in FEMA trailers. The  
63 nearly 5,000 pages of documents we have reviewed expose an

64 | official policy of premeditated ignorance. Senior FEMA  
65 | officials in Washington didn't want to know what they already  
66 | knew, because they didn't want the moral and legal  
67 | responsibility to do what they knew had to be done, so they  
68 | did their best not to know. It is sickening, and the exact  
69 | opposite of what Government should be.

70 |       My staff has prepared a briefing memo for Members that  
71 | describes in detail what we learned from our review of the  
72 | FEMA documents, and I ask unanimous consent to include the  
73 | memo and the documents it cites in the hearing record.  
74 | Without objection, that will be the order.

75 |       The FEMA documents depict a battle between FEMA field  
76 | staff, who recognized right away that formaldehyde was a  
77 | serious problem, and FEMA headquarters, particularly FEMA's  
78 | lawyers, who wanted to pretend it didn't exist.

79 |       In March, 2006, news articles reported high levels of  
80 | formaldehyde in FEMA trailers. FEMA field staff urged  
81 | immediate action, saying, ``This needs to be fixed today. We  
82 | need to take a proactive approach.'' And there is  
83 | ``immediate need for a plan of action.

84 |       But when the issue reached FEMA lawyers, they blocked  
85 | testing of occupied trailers. One FEMA attorney explained,  
86 | ``Do not initiate any testing until we give the okay. Once  
87 | you get results, the clock is running on our duty to respond  
88 | to them.''

89 Another FEMA official wrote, ``The Office of General  
90 Counsel has advised we do not do testing, because it would  
91 imply FEMA's ownership of this issue.``

92 Early in the process, through the perseverance of a  
93 pregnant mother with a four month old child, FEMA did test  
94 one occupied trailer. The results showed that their trailer  
95 had formaldehyde levels 75 times higher than the maximum  
96 workplace exposure levels recommended by the National  
97 Institute for Occupational Safety and Health. Well, the  
98 mother evacuated the trailer. FEMA then stopped testing  
99 other trailers, and top officials issued a statement that  
100 said, ``FEMA and industry experts have evaluated the small  
101 number of cases where owners with formaldehyde have been  
102 reported, and we are confident there is no ongoing risk.``  
103 That is where they stood after they stopped testing the  
104 trailers.

105 In early July, 2006, FEMA officials worked with EPA and  
106 the Center for Disease Control to develop a testing protocol  
107 for unoccupied trailers that would ``determine formaldehyde  
108 concentrations emanating from the trailer under living  
109 conditions.`` EPA officials advised FEMA that, ``The levels  
110 we find under testing may well be more than 100 times higher  
111 than the health base level.``

112 After receiving this report, FEMA responded by changing  
113 the testing protocols. Instead of simulating actual living

114 | conditions, which would show high levels of formaldehyde,  
115 | FEMA directed that the trailers be tested with their windows  
116 | open, their ventilation fans running, and their air  
117 | conditioning units operating 24 hours a day. A leading  
118 | treatise on diagnosing indoor air quality calls testing  
119 | formaldehyde under these conditions meaningless.

120 |         FEMA repeatedly received complaints from occupants about  
121 | high formaldehyde levels, including at least two complaints  
122 | involving the death of occupants, but the Agency brushed the  
123 | complaints aside.

124 |         Although 100,000 families have lived in FEMA trailers  
125 | and manufactured homes, yet the leadership of FEMA refused to  
126 | take even the most basic steps to protect them from toxic  
127 | formaldehyde fumes. Think about it. Families, thousands of  
128 | families who faced the tragedy of Katrina, lost everything,  
129 | had their lives turned upside down, then got another hit from  
130 | the Federal Government when they were put in trailers that  
131 | had high toxic levels of formaldehyde.

132 |         Yesterday, FEMA finally admitted it made a mistake. It  
133 | announced it would begin a program to test occupied trailers  
134 | for dangerous levels of formaldehyde. This is exactly what  
135 | FEMA's field staff urged over a year ago, but it took this  
136 | hearing and the prospect that Director Paulison would face  
137 | tough questions to stir FEMA to act yesterday.

138 |         FEMA exists to serve the public, but it acts as though

139 | protecting Director Paulison from embarrassment is more  
140 | important than protecting the health of the victims of  
141 | Hurricane Katrina.

142 |         It is impossible to read these FEMA documents and not be  
143 | infuriated. Americans don't mind paying their taxes if they  
144 | get a Government that works, but when that bargain is broken  
145 | and tax dollars are squandered and health jeopardized,  
146 | frustration rises and trust in Government erodes.

147 |         At our last hearing we had Surgeon Generals before us,  
148 | particularly Surgeon General Carmona, and I said that good  
149 | oversight serves two purposes: it should expose Government  
150 | malfeasance and point the way toward reform. These are my  
151 | goals again today.

152 |         I know the documents we are releasing and the testimony  
153 | we will hear will reveal mistakes and misjudgments. We need  
154 | to learn from them to identify what needs to be fixed to  
155 | protect the health of thousands of families still living in  
156 | FEMA trailers almost two years after Hurricane Katrina, and  
157 | we should do everything we can to make sure that this  
158 | disgraceful conduct never happens again.

159 |         [Prepared statement of Chairman Waxman and referenced  
160 | information follow:]

161 | \*\*\*\*\* INSERT \*\*\*\*\*

162 Chairman WAXMAN. I want to recognize Ranking Member Tom  
163 Davis for his opening statement, and then we will proceed  
164 with the hearing.

165 Mr. DAVIS OF VIRGINIA. Well, thank you, Mr. Chairman.

166 Let me commend Chairman Waxman for agreeing to hold a  
167 hearing later this month on disaster preparedness, as well.  
168 We wrote the chairman requesting the hearing, and we  
169 appreciate his agreeing to examine where FEMA and DHS stand  
170 as we approach the active part of 2007 hurricane season,  
171 August and September. A hearing on that important topic  
172 confirms our shared interest in conducting important  
173 oversight. We are both eager to learn whether, in today's  
174 post-Katrina environment, we are better prepared for natural  
175 or man-made disasters than we were two years ago.

176 Sadly, thousands of displaced residents still occupy  
177 Government property, temporary housing in the Gulf Coast  
178 region. Today we are here to discuss the issue of unsafe  
179 levels of formaldehyde in FEMA trailers.

180 The Select Committee to Investigate the Preparation for  
181 and Response to Hurricane Katrina, which I chaired, entitled  
182 our final report A Failure of Initiative, because leadership  
183 at all levels failed to get the information they needed and  
184 failed to act decisively to meet the crisis. Among those  
185 failures was the inability of FEMA to provide timely,  
186 short-term shelter and adequate long-term housing to those

187 | displaced by the catastrophe.

188 |       As part of the Federal Government's response to  
189 | Hurricanes Katrina and Rita, FEMA acquired thousands of  
190 | manufactured houses, recreational travel trailers, and larger  
191 | trailers for use by the victims on the Gulf Coast. These  
192 | temporary homes contained walls, cabinetry, and other  
193 | components made of particle board and plywood. The glue or  
194 | coating used in manufacturing or treating particle board or  
195 | plywood often contained formaldehyde, a common chemical used  
196 | in many industrial and commercial settings.

197 |       A naturally occurring chemical, formaldehyde is also a  
198 | byproduct of cigarette smoke. When inhaled in large doses,  
199 | it can cause extreme discomfort and illness.

200 |       Over a year ago FEMA began fielding complaints about  
201 | noxious odors emanating from some of the occupied trailers.  
202 | At that time I wrote Secretary Chertoff asking about the  
203 | extent of the problem. We received assurances the issues  
204 | were limited to a small number of units and it was under  
205 | control.

206 |       In August, 2006, FEMA communicated to the Committee in  
207 | no uncertain terms the health and safety of inhabitants was  
208 | driving the Agency's response to the formaldehyde complaints.  
209 | The Committee was told FEMA had partnered with leading  
210 | Government experts, both at the EPA and the CDC, to develop a  
211 | robust testing program and incident response system.

212           It now seems that what FEMA told the Committee was not  
213 completely correct. Apparently, the problem of unsafe  
214 formaldehyde levels in FEMA trailers is more widespread than  
215 initially acknowledged, and FEMA's reaction to the problem  
216 was deliberately stunted to bolster the Agency's litigation  
217 position.

218           New information recently provided to the Committee shows  
219 these statements mischaracterized the scope and purpose of  
220 FEMA's actual response to the formaldehyde reports. Recently  
221 discovered documents make it appear FEMA's concerns were  
222 legal liability and public relations, not human health and  
223 safety. Decisions about assistance to Gulf Coast residents  
224 seem to have been driven by the desire to limit litigation,  
225 even if that meant limiting genuine testing and risk  
226 mitigation efforts, as well.

227           One internal e-mail from June, 2006, reported the  
228 Agency's Office of General Counsel ``has advised that we do  
229 not do testing'' because this would ``imply FEMA's ownership  
230 of this issue.''

231           Another attorney advised, ``Do not initiate any testing  
232 until we give the okay. While I agree we should conduct  
233 testing, we should not do so until we are fully prepared to  
234 respond to the results. Once you get results, and should  
235 they indicate some problem, the clock is running on our duty  
236 to respond to them.''

237           This information is deeply troubling. FEMA was not  
238 forthright with Congressional investigators. It took nearly  
239 a year and a threat of subpoenas for FEMA to produce all the  
240 documents the Committee requested. After seeing the  
241 documents, it is pretty clear why FEMA tried to hide them  
242 behind dubious claims of confidentiality and privilege.

243           The information in these documents contradicts what we  
244 were told all along. Holding them back only highlighted  
245 their damning significance. Beyond the litigation-centric  
246 process, we have to be concerned about substantive problems.  
247 The causes and effects of excessive formaldehyde fumes in  
248 housing product purchased by the Federal Government has still  
249 not been addressed.

250           Katrina had many hard lessons to teach. One of them was  
251 the Federal Government's primary response agency has to be  
252 proactive, nimble, and trusted as the honest broker between  
253 Washington and those at need at the State and local levels.  
254 Reading these documents, I am not persuaded FEMA is that  
255 agency yet. The noxious gas in those trailers should have  
256 energized FEMA to admit the problem and solve it, not hide it  
257 behind a fog of risk-averse lawyering.

258           FEMA's toxic response to these formaldehyde fumes should  
259 energize us to demand accountability and push for the reforms  
260 that will clear the air and improve the Nation's emergency  
261 response capabilities.

262 Thank you.

263 [Prepared statement of Mr. Davis of Virginia follows:]

264 \*\*\*\*\* INSERT \*\*\*\*\*

265 Chairman WAXMAN. Thank you very much, Mr. Davis.

266 Let me ask unanimous consent that Representatives  
267 Melancon, Jindal, and Taylor be permitted to join us at our  
268 hearing today, even though they are not members of the  
269 Committee. Without objection, we welcome them to our  
270 hearing.

271 I want to welcome our first panel. We are going to hear  
272 from Mr. Paulison after this first panel. We are pleased to  
273 have these witnesses who are willing to travel to Washington,  
274 D.C., to share their experiences with FEMA's trailers with  
275 this Committee. I realize these experiences have not been  
276 pleasant ones, and I thank you all for being here.

277 On this first panel we have Dr. Scott Needle. Dr.  
278 Needle is a Pediatrician. He obtained his medical degree  
279 from Johns Hopkins University in Baltimore, and until June  
280 2007 Dr. Needle had been a Pediatrician in Bay St. Louis,  
281 Mississippi.

282 Mary DeVany is an expert in the fields of industrial  
283 hygiene and occupational safety. She has an M.S. in  
284 biochemistry from Loyola University in Chicago, and she is a  
285 Certified Safety Professional in Comprehensive Practices,  
286 Certified Hazardous Materials Manager, and is qualified as an  
287 Instructor for OSHA compliance.

288 Mr. Paul Stewart was an occupant of a FEMA trailer from  
289 December 2005 through March 2006. In March 2006 Mr. Stewart

290 | was the first FEMA trailer occupant to discuss formaldehyde  
291 | levels publicly.

292 |         Lindsay Huckabee and her family have been FEMA mobile  
293 | home occupants since December, 2005. She continues to reside  
294 | in a trailer along with her husband and five children.

295 |         James Harris, Jr., is a practicing minister and a small  
296 | businessman. He and his family have been living in a FEMA  
297 | trailer since April of 2006.

298 |         We want to welcome each of you to our hearing today.

299 |         It is the practice of this Committee that all witnesses  
300 | that testify take an oath, and I would like to ask you if you  
301 | would stand and raise your right hand.

302 |         [Witnesses sworn.]

303 |         Chairman WAXMAN. The record will indicate that each of  
304 | the witnesses answered in the affirmative.

305 |         We are delighted to have you here. If you submitted a  
306 | statement to us, that statement will be made part of the  
307 | record in full. I am going to have a clock on for five  
308 | minutes, and I would like to ask, if you could, to try to  
309 | keep to the five minutes. If you run a little over, that is  
310 | no problem. There is a little clock there you can see that  
311 | is green, and it will turn orange when there is a minute  
312 | left, and red when the five minutes are up, so you might take  
313 | a glance over at it at some point during your comments.

314 |         Dr. Needle, why don't we start with you?

315 | STATEMENTS OF SCOTT NEEDLE, M.D., AMERICAN ACADEMY OF  
316 | PEDIATRICS; MARY DE VANY, INDUSTRIAL HYGIENIST, DE VANY  
317 | INDUSTRIAL CONSULTANTS; PAUL STEWART, TRAVEL TRAILER  
318 | OCCUPANT, DECEMBER 2005 TO MARCH 2006; LINDSAY HUCKABEE,  
319 | MOBILE HOME OCCUPANT, DECEMBER 2005 TO PRESENT; JAMES HARRIS,  
320 | JR., TRAVEL TRAILER OCCUPANT, APRIL 2006 TO PRESENT

321 | STATEMENT OF SCOTT NEEDLE, M.D.

322 |       Dr. NEEDLE. Good morning. Thank you, Mr. Chairman, for  
323 | this opportunity to testify today at this important hearing.

324 |       My name is Dr. Scott Needle, and I am proud to represent  
325 | the American Academy of Pediatrics. I serve on the Academy's  
326 | Disaster Preparedness Advisory Council. I am also a general  
327 | pediatrician who was, until recently, in solo private  
328 | practice in Bay St. Louis, Mississippi, an area that  
329 | experienced some of the worst devastation after Hurricane  
330 | Katrina.

331 |       The American Academy of Pediatrics has grave concerns  
332 | regarding all aspects of the current and future health of  
333 | children on the Gulf Coast who continue to recover after  
334 | Katrina. We appreciate your efforts today to bring attention  
335 | to the potential risks to children's health associated with

336 exposure to formaldehyde gas in the trailers provided by FEMA  
337 after the hurricane.

338         Formaldehyde gas is known to cause a wide range of  
339 health effects. The AAP Handbook on Pediatric Environmental  
340 Health cautions that ``formaldehyde is a known respiratory  
341 irritant in the occupational setting,`` and warns that it can  
342 also be found as an air pollutant in residential settings.

343         The Federal Agency for Toxic Substances and Disease  
344 Registry, the ATSDR, states, ``Children may be more  
345 susceptible than adults to the respiratory effects of  
346 formaldehyde. Children may be more vulnerable to corrosive  
347 agents than adults because of the relatively smaller diameter  
348 of their airways. Children may be more vulnerable because of  
349 relatively increased ventilation per kilogram and failure to  
350 evacuate an area promptly when exposed.``

351         Studies since 1990 have found higher rates of asthma,  
352 chronic bronchitis, and allergies in children exposed to high  
353 levels of formaldehyde. In 2004, the International Agency  
354 for Research on Cancer, an arm of the World Health  
355 Organization, classified formaldehyde as a known carcinogen.  
356 The U.S. National Toxicology Program classifies it as  
357 ``reasonably anticipated to be a human carcinogen.``

358         Formaldehyde is used in hundreds of products, but  
359 particularly in the resins used to bond laminated wood  
360 products and to bond wood chips in particle board. Mobile

361 homes and travel trailers, which have small, enclosed spaces,  
362 low exchange rates of air, and many particle board  
363 furnishings, may have much higher concentrations of  
364 formaldehyde than other types of homes.

365 My concern in this issue stems from my experiences in  
366 treating children of Hancock County, Mississippi, during the  
367 weeks and months after Hurricane Katrina. In spring, 2006,  
368 certain patterns of illness emerged among some of my  
369 patients. Many children returned repeatedly to my office with  
370 symptoms that would not go away or would clear up and then  
371 promptly recur--sinus infections, ear infections, cold, and a  
372 variety of other respiratory symptoms.

373 In talking with these families, I found that they shared  
374 two common characteristics: first, they were all living in  
375 travel trailers provided by FEMA; second, the families  
376 reported that these symptoms started not long after moving  
377 into these trailers.

378 Research revealed my patients' symptoms were all  
379 consistent with exposure to formaldehyde. At the same time,  
380 the Sierra Club released the results of initial testing,  
381 which found 29 out of 31 trailers with elevated levels of  
382 formaldehyde over 0.1 parts per million.

383 Over the subsequent year, I contacted the Mississippi  
384 State Department of Health, Centers for Disease Control and  
385 Prevention, researchers at various Gulf Coast universities,

386 | and others to alert them to the patterns I was seeing.  
387 | Unfortunately, my efforts did not lead to any immediate  
388 | action, and I am, therefore, personally and professionally  
389 | grateful to you for bringing attention to this issue through  
390 | this hearing.

391 |         The American Academy of Pediatrics remains deeply  
392 | concerned that Gulf Coast children continuing to reside in  
393 | FEMA trailers may have been and may continue to be exposed to  
394 | levels of formaldehyde that are hazardous to both short-term  
395 | and long-term health. The Academy urges FEMA and Federal  
396 | health agencies to undertake a systematic, scientifically  
397 | rigorous study of the issue to determine children's exact  
398 | exposure levels, correlation with the reported symptoms, and  
399 | the practical and concrete steps that can be taken to  
400 | safeguard their health.

401 |         Furthermore, the Academy urges FEMA to set standards for  
402 | formaldehyde levels in trailers purchased by the Agency that  
403 | are consistent with the most current science, including an  
404 | additional margin of safety that takes into account the  
405 | special vulnerabilities of children.

406 |         Finally, the Academy encourages FEMA to explore  
407 | alternative options for providing short-and long-term housing  
408 | to disaster victims that would pose fewer health risks than  
409 | the travel trailers currently occupied since Hurricane  
410 | Katrina.

411           The American Academy of Pediatrics commends you, Mr.  
412 Chairman, for holding this hearing today to call attention to  
413 the potential hazards of formaldehyde exposure among Gulf  
414 Coast children residing in the FEMA trailers. We look  
415 forward to working with Congress to minimize the exposure of  
416 children and all Americans to potentially toxic chemicals in  
417 these and other settings.

418           I appreciate this opportunity to testify and I will be  
419 pleased to answer any questions that you might have.

420           [Prepared statement of Dr. Needle follows:]

421           \*\*\*\*\* INSERT \*\*\*\*\*

422 Chairman WAXMAN. Thank you very much, Dr. Needle.

423 Ms. DeVany, we are pleased to have you.

424 STATEMENT OF MARY DE VANY

425 Ms. DEVANY. Good morning. My name is Mary DeVany, and I  
426 am a scientist specializing in industrial hygiene, the  
427 recognition and control of occupational and environmental  
428 health, and safety concerns.

429 I would like to thank Congressman Waxman, Congressman  
430 Davis, and the other Congressional representatives that  
431 decided to hold this hearing and attend today.

432 I also wish to thank my husband, who is a Wesley  
433 Lifebrook, a certified industrial hygienist who returned just  
434 five months ago from active duty in Iraq. If it were not for  
435 his research, knowledge, and support, I could not have been  
436 here today.

437 I want to share some information to help you take  
438 action, because we Americans have the ability to give our  
439 disaster victims safe and secure housing, free from known  
440 hazards that every American wants and deserves.

441 As you know, formaldehyde is a component in  
442 manufacturing of particle board, press board, fiber board,  
443 paneling grooves, counter tops, and other materials,  
444 including some adhesives used to lay carpeting. Since these

445 materials are so common, everyone is exposed, to some degree.  
446 However, when the exposure gets elevated, we experience  
447 symptoms including headache, dizziness, nausea, loss of sense  
448 of smell, and fatigue. Respiratory system irritation, nose  
449 bleeds, sinus infection, throat irritation, coughing, and  
450 chest congestion occur, as well. Eye and skin itching,  
451 burning, and skin eruptions occur.

452 Formaldehyde also makes many pre-existing medical  
453 conditions worse, including asthma, allergies that affect the  
454 sinuses, chronic bronchitis, emphysema, skin diseases such as  
455 eczema, and migraine headaches.

456 Over the long term, we know that formaldehyde can cause  
457 changes to certain cells in the immune system. Skin and  
458 respiratory sensitization can also occur in some people,  
459 making them have serious health effects with even very low  
460 exposures. And changes in nasal and nasal pharyngeal cells  
461 occur that can develop into cancer.

462 According to the National Cancer Institute, it may also  
463 cause brain cancer and possibly leukemia.

464 Regarding exposure limits, the scientific community  
465 recommends limits based on two main groups: adults in the  
466 workplace and the population at large. Agencies such as  
467 OSHA, NIOSH, and the military base their limits on the  
468 average adult worker not sensitized to formaldehyde and--and  
469 this is critical--people who are exposed for an average of

470 | only eight to ten hours per day, forty hours per week, with  
471 | the rest of the hours each day and week away from the  
472 | exposure source, so these levels can be set much higher  
473 | because the away-from-the-exposure-source recovery time  
474 | assists those people and their bodies in recovering from  
475 | their exposures.

476 |         Levels set by agencies such as the EPA, the  
477 | ATSDR--Agency for Toxic Substances and Disease Registry--and  
478 | many State agencies, as well as the World Health  
479 | Organization, set exposure standards aimed to protect nearly  
480 | all of our most vulnerable citizens, including the elderly,  
481 | infants, and people that are medically compromised.  
482 | Workplace and military standards do not protect this at-risk  
483 | segment of our population.

484 |         Because of concern for the health of individuals living  
485 | in these trailers, over a year ago the Sierra Club began  
486 | sampling trailers in Mississippi. Within a couple of months  
487 | after being informed of the high levels, FEMA had sampling  
488 | conducted by the EPA. The Sierra Club sampled 69 trailers,  
489 | the EPA tested 96. The results were similar: nearly all of  
490 | the trailers sampled had formaldehyde levels at least three  
491 | times the proposed level for healthy, physically fit sailors  
492 | exposed to formaldehyde on a submarine for only 90 days.  
493 | That population group even excludes medically unfit soldiers.  
494 |         One of the responses FEMA just implemented was to adopt,

495 | for new travel trailers, below-hub particle board and  
496 | powdered emissions regulations that only apply to mobile  
497 | homes. By closing this loophole, FEMA is showing commitment  
498 | to the health of the inhabitants of these brand new trailers.  
499 | However, approximately 86,000 people are still living in the  
500 | old travel trailers, and, according to the sample results,  
501 | most of these trailers have unacceptably high levels of  
502 | formaldehyde.

503 |         So what can you do? Manufacturers can substitute  
504 | soy-based adhesives for formaldehyde-based ones. We can give  
505 | people who are sick different trailers or other temporary  
506 | housing. We can educate trailer occupants on formaldehyde  
507 | health effects and give them options for relocating. We can  
508 | ensure that people without symptoms are removed from  
509 | hazardous exposures by testing all existing trailers before  
510 | they develop the symptoms. And we must require manufacturers  
511 | to cure an off-gas formaldehyde at the manufacturing level.

512 |         In addition, we should test the formaldehyde level in  
513 | each trailer prior to acceptance and delivery of new  
514 | trailers. We should not sell or donate empty, vacated  
515 | trailers that have elevated formaldehyde levels to Native  
516 | Americans or others before ensuring that the levels are safe.

517 |         There are routine procedures to cure formaldehyde in empty  
518 | trailers that should be implemented.

519 |         In conclusion, the elevated exposures to this toxic,

520 | irritating, and cancer-causing gas in FEMA-issued travel  
521 | trailers has developed into a major public health concern.  
522 | Now that we have recognized the problem, Americans need to  
523 | take prompt, effective action to help these disaster victims  
524 | and safeguard their health. We have the tools. We now need  
525 | Congress to take decisive action. We owe this to our fellow  
526 | Americans who have been victimized again through no fault of  
527 | their own.

528 | I am ready for questions. Thank you.

529 | [Prepared statement of Ms. DeVany follows:]

530 | \*\*\*\*\* INSERT \*\*\*\*\*

531 Chairman WAXMAN. Thank you very much, Ms. DeVany.

532 Mr. Stewart, please go ahead.

533 STATEMENT OF PAUL STEWART

534 Mr. STEWART. Thank you.

535 Mr. Waxman and members of the Committee, it is a great  
536 honor to be here today and discuss the experiences my wife  
537 and I endured with FEMA and the temporary trailer they  
538 provided us, while at the same time it is sad that this  
539 hearing has to take place at all.

540 On December 2nd, 2005, FEMA delivered our camper. When  
541 we first took possession of the camper we noticed a strong  
542 new smell inside the camper. We aired out the camper as FEMA  
543 instructed, turning on the heat, opening the windows, turning  
544 on the exhaust vent. The camper stayed that way for the next  
545 four months.

546 The first night we stayed in the camper, my wife woke up  
547 several times with a runny nose. At one point she turned the  
548 light on and realized that her runny nose was actually a  
549 bloody nose. I was also beginning to show symptoms of my  
550 own, which included scratchy eyes, scratchy throat, coughing,  
551 and runny nose.

552 The symptoms we had continued for weeks, then months,  
553 and we finally thought about just leaving, but at the time we

554 | couldn't leave. We were still fighting with the Army Corps  
555 | of Engineers, with FEMA. We had debris all over our yard.  
556 | Money was short, and we were stuck.

557 |         Then one morning when I woke up I found our pet  
558 | cockatiel was very lethargic, unable to move. He was  
559 | regurgitating, unable to keep his balance. I immediately  
560 | called the veterinarian, who told us to get him out of the  
561 | camper immediately, so we did. We took him outside. We got  
562 | ready to leave, and within an hour the bird was beginning to  
563 | get better. He wasn't better, but he was getting better.

564 |         We took him to the veterinarian, who told us that the  
565 | camper was probably making him sick. We asked him how that  
566 | was possible, and he said, well, there are many chemicals  
567 | inside the camper, especially a new one. He said that  
568 | formaldehyde was the most likely cause. He said if we don't  
569 | get the bird out of there, the bird will probably die. He  
570 | explained to us that birds, much like children, breathe much  
571 | more rapidly than adults and they take in much more of the  
572 | toxins that are inside the camper, and that he is going to  
573 | show symptoms before we do, but that we should also get out.

574 |         From that point on we kept the bird outside as often as  
575 | we could, and we really do believe that bird saved our lives.

576 |         At that point I started to research formaldehyde and  
577 | started to find out what formaldehyde could do to us and  
578 | others like us who were living in these campers. What I

579 found out almost immediately is that the EPA lists  
580 formaldehyde as a carcinogen.

581       There was also a common problem inside the campers, in  
582 that all the smoke detectors inside the FEMA campers would go  
583 off for no reason at all. You would go into FEMA campers and  
584 find the batteries ripped out, smoke detectors torn off the  
585 wall, and so forth. What I found out was that formaldehyde  
586 can set off smoke detectors. I checked with a firefighter  
587 friend of mine who knew someone in the industry, and they did  
588 confirm that formaldehyde at high levels will set off smoke  
589 detectors.

590       I then called FEMA and talked to them about the  
591 problems, and they told me to ``air out the camper.'' I  
592 explained to them that I had been airing out the camper for  
593 four months, and they said, well, continue to air out the  
594 camper. They also told me that some people are just ``more  
595 chemically sensitive than others.''

596       That statement kind of made me angry. As a former U.S.  
597 Army infantry officer and as a former police officer I have  
598 been tazed, pepper sprayed, I have been through CS gas  
599 chambers, and I do not consider myself to be a chemically  
600 sensitive person.

601       Anyway, I started to look for ways to mitigate the  
602 problem. What I did first was I tore out all of the exposed  
603 particle board I could find. I replaced it with pine plank.

604 That did nothing. I then went ahead and bought some ferns  
605 that the Space Center said to use to try to reduce  
606 formaldehyde. That didn't work, either. I then got a  
607 substance used by the mortuary business to try and absorb  
608 formaldehyde. That didn't work. Then I purchased an air  
609 purifier, a professional one, 15 pound charcoal filter. It  
610 moves 400 cubic feet of air per minute, and it is designed to  
611 cover 1,500 square feet. That also had no effect.

612 Eventually I ended up testing my own camper, after I  
613 called FEMA numerous times and asked them to help and they  
614 refused. When I tested my camper, I found a company called  
615 American Chemical Sensors out of Boca Raton, Florida. They  
616 mailed me a test kit and actually told me that I should get  
617 out of the camper when they heard of our symptoms. They said  
618 our symptoms made it look as though we were having  
619 formaldehyde poisoning.

620 I got the sensor, hung it inside the camper, and took it  
621 down and mailed it back to the company. When they got the  
622 results, the results were .22 parts per million, or twice  
623 what the EPA considers safe.

624 I called FEMA and told them what was going on, and they  
625 told me that, "I should be happy with the camper that I  
626 have, and that we do not have any other campers to supply  
627 you."

628 I couldn't believe what FEMA was telling me.

629 | Essentially they were telling me that they were going to do  
630 | nothing about the problem, even though I had already alerted  
631 | them that what we were living in was cancer causing.

632 |         During this time I also started to dig around, and what  
633 | I did find was an OSHA study dated October 11th, 2005, 43  
634 | days after Hurricane Katrina. The OSHA study tested outside  
635 | ambient air at a Pass Christian trailer holding facility.  
636 | That outside ambient air tested as high as five parts per  
637 | million--not .5 parts per million, but five parts per million  
638 | outdoor ambient air.

639 |         I called FEMA, told them what I had found, and again  
640 | they told me, sorry, there is nothing we can do for you.

641 |         At that point I called the local television station, and  
642 | they decided to run the story. The next morning at 8:00 in  
643 | the morning I got a call from FEMA, who told me that they  
644 | were on their way with a new camper.

645 |         The new camper arrived, and when it did the FEMA  
646 | representatives arrived shortly before the camper did and  
647 | wanted to cut my sewer lines, my water lines, and pull my  
648 | camper out. I refused. I wouldn't let them.

649 |         When the camper showed up, it showed up in front of the  
650 | driveway. I walked outside. I didn't even walk up to the  
651 | camper and I could smell the formaldehyde from my driveway.  
652 | The workers who delivered the camper also said they could not  
653 | go inside, the formaldehyde was so bad.

654 I told them to take the camper and go home. I didn't  
655 want it.

656 At that point FEMA called me at one point and said,  
657 ``What are we going to have to do to make you happy?'' And  
658 they said also, ``So you didn't refuse it because of the type  
659 of camper it was?'' During that conversation they also  
660 wanted to record my conversation with them, which I thought  
661 was kind of strange. I worked in police work a number of  
662 years, and I can tell you that what it sounded to me like was  
663 that they were trying to get together a chain of custody.  
664 They were trying to put together evidence. I felt like a  
665 criminal.

666 Anyway, I refused that camper, and at that point FEMA  
667 brought me another new camper. I know I am running out of  
668 time, sir. I apologize. When they brought me the third  
669 camper I got a call, and they said, we are going to bring you  
670 a camper. We have inspected this camper. There is no  
671 formaldehyde inside this camper.

672 My wife and I were pretty excited. They said, we have  
673 had people go through this camper, and we can assure you this  
674 camper is brand new. They talked about the options that were  
675 in the camper and so forth. My wife and I said, we are not  
676 really concerned about the options; we just want a safe place  
677 to live.

678 They brought out the camper to us, and when the camper

679 | showed up they had approximately 15 FEMA people on my  
680 | property. There was a public relations person there. There  
681 | were officials there. Anyway, they brought the camper in,  
682 | they convinced us. The public relations woman convinced us  
683 | that the camper was fine, there was nothing wrong with it,  
684 | there was no formaldehyde in it, so we let her take our old  
685 | camper.

686 |         They delivered the camper, and the people went about  
687 | setting it up. It took them most of the day, and by the time  
688 | my wife and I got in there it was dark. When we went to go  
689 | inside the camper, the public relations woman said, ``Okay, I  
690 | can't stay around any longer, I have to leave,`` so she left.

691 |         When she left, my wife and I realized immediately upon  
692 | entering the camper that it was not new; in fact, it was  
693 | used. The stove was dirty, the floors were dirty. It was  
694 | filthy inside.

695 |         I said to my wife, we can clean this. Let's just get to  
696 | work now, we can get it done before bed.

697 |         The first thing I did was take back the bed sheet, and  
698 | when I did I noticed there were bugs inside the bed,  
699 | literally bugs in the bed. I called the public relations  
700 | woman back and said I can't sleep in this bed, and she said,  
701 | well, there is nothing I can do for you, it is a Friday. I  
702 | won't be able to help you until Monday morning.

703 |         I explained to her that if I can't have a place to

704 sleep, I am going to have to go back living in my truck  
705 again. She said, I'm sorry, there is nothing we can do for  
706 you. You are going to have to do what you have to do.

707 I said, there is absolutely nothing you can do for me?  
708 She said, well, I can get you a hotel room in Pensacola,  
709 Florida, but I can only put you in there for one night.

710 I said, ma'am, I am in Bay St. Louis, Mississippi. To  
711 get to Pensacola, Florida, right now, it would be 2:00 until  
712 I get there, and for one night it is just not worth my time.  
713 She said, well, then, you are going to have to wait until  
714 Monday. We will take care of you on Monday.

715 Anyway, this went back and forth and back and forth for  
716 a long amount of time with FEMA. It wasn't long after that  
717 that I was visited by two members of FEMA. They showed up at  
718 the house on Sunday night and said they wanted to see the  
719 camper. The one person who showed up identified himself as  
720 the head of the Mississippi camper program. He said to me  
721 that FEMA will to whatever it takes to fix the problem. He  
722 said if he had to have ten workers work two days straight, he  
723 would take care of everything.

724 The interesting thing with this conversation is that I  
725 asked him at one point where he was staying. He was from out  
726 of State. He said, I am renting a gutted apartment in  
727 Gulfport. He wasn't staying in a FEMA camper, he was staying  
728 in an apartment in Gulfport, taking up rental housing that

729 | really should have gone to the residents of the Gulf Coast.

730 |       After going through this for a number of days and  
731 | spending five more days in my truck in my driveway, I finally  
732 | had enough with FEMA and I told them to take their property  
733 | and get off my land. At that point they came back and took  
734 | their camper, and I went out and purchased my own camper,  
735 | which I will tell you is formaldehyde free.

736 |       The interesting thing about that camper is my wife and I  
737 | paid \$50,000 for that camper. It has a king-sized bed, a  
738 | fireplace. It has a washer and dryer. It has computer work  
739 | stations. It is a very large camper with three slide-outs,  
740 | very comfortable. From everything I have read up to this  
741 | point, FEMA has paid approximately \$65,000 for each one of  
742 | the campers that they supplied to Gulf Coast residents after  
743 | the storm.

744 |       As I sit in front of you today I just want to say that I  
745 | am one of the lucky ones. My wife and I are safe now, we are  
746 | out of our camper. We are no longer exposed to that level of  
747 | formaldehyde, but there are tens of thousands of people who  
748 | are still there living in those campers every day.

749 |       In conclusion, I just want to say that we lost a great  
750 | deal through our dealings with FEMA, not the least of which  
751 | is our faith in Government. I can truly say that a buzz term  
752 | that has been used around Washington for a long time is a  
753 | culture of life, and I just think that a culture of life

754 | really just ends up being rhetoric when you see things like  
755 | this. It is not real world, and in the real world you are on  
756 | your own.

757 | Thank you.

758 | [Prepared statement of Mr. Stewart follows:]

759 | \*\*\*\*\* INSERT \*\*\*\*\*

760 Chairman WAXMAN. Thank you very much, Mr. Stewart.

761 Mrs. Huckabee?

762 STATEMENT OF LINDSAY HUCKABEE

763 Mrs. HUCKABEE. I would like to start by thanking  
764 Chairman Waxman and members of the Committee for taking the  
765 time to address this important issue.

766 My name is Lindsay Huckabee. I live in Kiln,  
767 Mississippi in a FEMA-provided mobile home with my five  
768 children and my husband. On August 29th of 2005 we lived in  
769 an apartment in Pass Christian. We learned days later that  
770 our apartment and all of its contents had been destroyed. We  
771 contacted FEMA, and they told us that, because of our family  
772 size, we did qualify for a single-wide mobile home. We were  
773 very excited and felt very blessed.

774 We were told that if we cleared the site, provided our  
775 own septic, our own water, and our own electricity, that they  
776 would deliver the camper. We had everything ready by  
777 mid-November.

778 On December 14th our new home was delivered and set up.  
779 We realized upon moving in that there was a strange smell to  
780 it. It made our eyes water, our throats itch. We had  
781 numerous respiratory problems, but we had never had a new  
782 trailer before, we just assumed that it was the plastics and

783 | all that kind of stuff.

784 |       I began having migraine headaches and pre-term labor.  
785 | My daughter, who had been asthma free for about a year--we  
786 | had just discussed on August 3rd, her four year checkup, that  
787 | she had probably outgrown it--began having asthma attacks.  
788 | Three of my children began having severe nosebleeds several  
789 | times a week. My husband began having problems with his  
790 | sinuses, as well.

791 |       After three weeks of pre-term labor, stopped by  
792 | medication, our youngest son, Michael, was delivered four  
793 | weeks early. All of my other children were born on time.

794 |       We brought him home from the hospital. He was healthy.  
795 | About three days after being home, his sinuses became  
796 | congested. Today he is 18 months old and his sinuses have  
797 | not cleared up for more than a week or two at a time.

798 |       My daughter, Lelah, who was four when we received the  
799 | trailer, had most of the problems. She has had pneumonia  
800 | several times. She has had more ear infections than I can  
801 | count. She has been put on steroids, breathing treatments.  
802 | She has been sent to the hospital with pneumonia and been  
803 | hospitalized three times to date. She was sent to an ENT,  
804 | where she underwent allergy testing, and MRI of her sinuses,  
805 | and they put tubes in her ears so that the excess fluid her  
806 | sinuses were producing could escape.

807 |       The only thing that he had to say whenever I asked about

808 | the allergy test was that she was allergy free and there  
809 | seemed to be some kind of irritant that she was being exposed  
810 | to. He then asked me if we were living in a FEMA trailer. I  
811 | told him we were. He said that there were chemicals in those  
812 | trailers that could be making children sick. He said it was  
813 | too early to tell, but he had seen an increase in patients  
814 | repeatedly with the same problems.

815 |         We took Lelah to an allergy and asthma specialist. They  
816 | did another allergy test and found nothing. I never thought  
817 | that I would be upset to hear there was nothing wrong with my  
818 | child, but if it was an allergy, at least we had something we  
819 | could fight. The idea of our home making us sick was not  
820 | really something that we were ready to grasp, since we had no  
821 | other place to go.

822 |         The allergy/asthma specialist had also seen an increase  
823 | in patients with mild to moderate asthma becoming very  
824 | severe.

825 |         After an inhaled steroid twice a day, an oral steroid,  
826 | and allergy medication once a day, Lelah's asthma is now  
827 | under control. Lelah missed 42 days of kindergarten this  
828 | year. I had to deal with the truancy officers at school,  
829 | even though all but three of these days were excused by  
830 | doctor's visits, hospitalizations, and surgeries.

831 |         The school nurse has called me more times than I can  
832 | count to go pick her up because of a nosebleed that wouldn't

833 stop and fevers that were caused by ear infections that  
834 wouldn't go away. Looking back, she would have been better  
835 off staying at school than coming home to the environment  
836 that was making her sick.

837 After months and months of office visits and phone  
838 calls, I was frustrated. I came home one afternoon and found  
839 my daughter. Her hand was over her nose. She was covered in  
840 blood--her hand, her arms, her shirt. The most frightening  
841 thing later, when I thought about it, was I didn't rush to  
842 her. Not for a second did I think there was anything wrong  
843 with my kid other than a nosebleed. It was very sad to me,  
844 but I have gotten to the point where it is a common practice  
845 to see my child covered in blood and it not scare me.

846 Our pediatrician had made a link also with the FEMA  
847 occupants and the patients having increased problems. It was  
848 through him that I was contacted by the Sierra Club to do a  
849 formaldehyde test on our trailer. We did the test. It came  
850 back at .18 parts per million, almost two times the  
851 recommended limit. This was after 16 months of living there,  
852 after airing out our trailer, after running the A/C nonstop,  
853 opening windows and doors whenever we weren't home, so I can  
854 only imagine what it was for the 16 months that we were there  
855 beforehand.

856 Three weeks ago my husband was having his teeth cleaned  
857 and they found a mass in his soft palette. They referred him

858 | to an ENT. He had a CAT scan. The ENT said that he needed  
859 | to go in and have it removed immediately. The mass ended up  
860 | being a polymorphic adenoma tumor. While no one can say for  
861 | sure if it was caused by formaldehyde or not, my husband is  
862 | an otherwise healthy, 30 year old, non-smoking man.

863 |         This is something that the ENT said that could be the  
864 | beginning of what we will see on a long-term basis for the  
865 | formaldehyde exposure.

866 |         What makes me so angry is that FEMA is providing these  
867 | trailers to disaster victims. They said that they have  
868 | inspected these trailers and deem them safe. I do not  
869 | believe that FEMA set out to harm people of the Gulf Coast.  
870 | I have to have more faith in our Government than that. But I  
871 | do think it was handled very poorly whenever they were  
872 | notified.

873 |         We had contacted FEMA over and over again about  
874 | something making our family sick and several problems, and we  
875 | were met with much resistance. Whenever we told them about  
876 | our levels of formaldehyde, they replaced our trailer in June  
877 | of this year. We had that formaldehyde tested, as well, and  
878 | it is still over the limit. Whenever we called FEMA, the  
879 | level is lower than the other one was, and she said, So we  
880 | are good, right? We are not finished moving into this  
881 | trailer, and I don't believe we will. I think that it is  
882 | very silly to expose my children to this unnecessary risk.

883 | And we were told ahead of time that this trailer was  
884 | completely formaldehyde free, it was used, it was built in  
885 | 2005 by a different manufacturer.

886 |         In closing, I would like to say that I represent  
887 | probably the median of the problem. There are people who are  
888 | in severe cases and far worse than mine. It is scary to me  
889 | that people who don't know about formaldehyde don't know what  
890 | to look out for, because if you look at the nosebleeds, the  
891 | colds, the sinus infections separately, you just think that  
892 | your kids are staying sick.

893 |         I asked my pediatrician more times than I can count--my  
894 | house is clean, I am keeping away from people who are sick.  
895 | What can I do to keep these kids healthy? It is so  
896 | frustrating, as a mother, to go back and forth, and it feels  
897 | like you are failing whenever you can't keep your kids out of  
898 | the hospital and you can't keep them from getting sick. I  
899 | think that the other people of the Gulf Coast need to be  
900 | publicly notified of what symptoms to watch for, because they  
901 | could be silently suffering and not realize what is making  
902 | them sick.

903 |         [Prepared statement of Mrs. Huckabee follows:]

904 | \*\*\*\*\* INSERT \*\*\*\*\*

905 Chairman WAXMAN. Thank you very much, Mrs. Huckabee.  
906 Mr. Harris?

907 STATEMENT OF JAMES HARRIS, JR.

908 Mr. HARRIS. I would first like to thank God for truly  
909 blessing me to be here today before you at this time in our  
910 history. I would like to thank the chairman and members of  
911 the Oversight and Government Reform Committee for the  
912 opportunity to share my experiences with you at this time.

913 My name is James D. Harris, Jr. I am 46 years old and I  
914 have been blessed with a wonderful wife of 17 years named  
915 Aretha. God saw fit to bless us with a son who is six years  
916 old, and his name is James D. Harris, III. Of course, we  
917 call him Tre'.

918 I am self-employed with Agape Trade Graphics in  
919 Marketing Group, and I am also a minister of the Gospel. I  
920 have been blessed to have been in the ministry for over 20  
921 years, focusing those efforts mainly in the southern region  
922 of the United States. My small business was established in  
923 1999 and continued to grow until the disaster known as  
924 Hurricane Katrina came on the Gulf Coast.

925 Since the hurricane, my business has diminished and my  
926 ability to prosper from that endeavor has been hampered by  
927 overall economic recovery here on the Gulf Coast. I was

928 | blessed to start a nonprofit organization named the Guardian  
929 | Angel Adoption Program, with the web site address of  
930 | [www.guardianangelprogram.org](http://www.guardianangelprogram.org). It has been a blessing to many  
931 | families here on the Gulf Coast. The nonprofit endeavor was  
932 | formed after witnessing the unfortunate oversight of many  
933 | families and seniors who were tragically left behind or out  
934 | of the recovery and rejuvenation efforts of some of the other  
935 | agencies here on the Gulf Coast. I must state for the record  
936 | there is still a great need of services for people like these  
937 | in needs like these of the public at large, especially here  
938 | on the Gulf Coast.

939 |         If someone would have told me three years ago that I  
940 | would be living in a FEMA trailer with my wife and son, I  
941 | just wouldn't have believed that. But the reality is that I  
942 | am in a FEMA trailer and have been living here since April of  
943 | 2006 until now. Many people that I come in contact with are  
944 | in the same position that my family and I are in now.

945 |         I must state for the record that I am thankful to have a  
946 | roof over my head and shelter from the elements. I just want  
947 | to say that it is a blessing to have somewhere to stay. By  
948 | nature, I am not one to complain about my circumstances or  
949 | situations that I find myself in from time to time, when God  
950 | has allowed me the strength to endure and to maintain as much  
951 | as possible, especially during the trying times after  
952 | Hurricane Katrina.

953 I must say I have never witnessed first-hand in my life  
954 the overpowering devastation that one event could have on so  
955 many people.

956 With all that being said, my life has been changed, as  
957 so many others have during the aftermath of Hurricane  
958 Katrina, and I must say I will never be the same again.

959 My family and I have experienced many challenges in  
960 pursuit of getting the FEMA trailer we now have. Time will  
961 not permit me to address some of those challenges, in fact,  
962 but I will say that I have exercised every bit of knowledge  
963 that I have experienced and plain old luck to get in position  
964 to be in the facility at this time.

965 When my family and I entered into the trailer in April,  
966 2006, we noticed a pungent and overpowering odor that  
967 permeated through the whole FEMA travel trailer. You must  
968 understand that the three of us are living in a space less  
969 than 50 square feet. There is one bathroom, and only one  
970 door for access in or out. We also noticed that our eyes  
971 burned and watered as we tried to inhabit the trailer  
972 facility.

973 We were told by the persons who gave us the keys to the  
974 trailer initially that if we opened the doors and windows of  
975 the trailer and allowed the trailer to air out for a period  
976 of a couple hours, that all the odors and the burning  
977 sensations of our eyes would pass and would not come back.

978 Over a period of time and to this day we have found that  
979 this remedy did not remove the strong odors that we now know  
980 to be formaldehyde. On many occasions my wife and I  
981 contacted the FEMA maintenance number to register our  
982 concerns and express our displeasure in the frequency and the  
983 magnitude of the odors and the visual challenges that being  
984 in the trailer presented when these conditions existed. The  
985 reply we received from the FEMA maintenance call center was  
986 the same, stating, You need to allow the trailer to air out  
987 when you smell these odors. There was never any attempt that  
988 I know of to physically try to address this concern.

989 There were other physical conditions that have arisen  
990 inside the trailer and outside the trailer, and they have for  
991 the most part been addressed, but this particular issue seems  
992 to have continued to be addressed to us in the same fashion.

993 Now, you must also understand that my family and I  
994 stayed in one room on the north side of my parents' home  
995 after Hurricane Katrina. The southern exposure of my  
996 parents' home was compromised and destroyed by the  
997 hurricane's fury. My parents, my brother and his wife and  
998 two sons, and my family and I existed in the room of my  
999 parents' home for eight months. So when we were finally able  
1000 to get in a FEMA trailer, we were so thankful and continued  
1001 to try to make things work.

1002 I never realized until late that we might even have the

1003 possibility of being moved into another more adequate and  
1004 more environmentally safe trailer. Not being aware of that  
1005 fact, I know that this is one of the main reasons why, after  
1006 notifying FEMA maintenance in about the formaldehyde and how  
1007 it was affecting us on numerous occasions, we just decided to  
1008 make the best of the situation.

1009 I must note at this point that we noticed often that the  
1010 company that FEMA was contracting the maintenance trailers  
1011 were in charge of that particular process were changing  
1012 almost every two weeks. This frequent changing of the guards  
1013 I believe affected the way in which the situation was  
1014 handled, and eventually never truly was addressed.

1015 I would notice, along with my wife, that if we ever left  
1016 the home for more than five to six hours, when we returned  
1017 the smells and odors would sometimes be overpowering. This  
1018 means we had to air out our trailer on several occasions,  
1019 losing time while we were waiting for the air quality to  
1020 resume to some level of acceptability, and we figured this  
1021 was to be our accepted existence in this FEMA trailer. This  
1022 happened many times during our occupancy of the trailer.

1023 While I felt there was no other avenue available to me,  
1024 I had to find a way, with God's help, to make the air quality  
1025 in the trailer the best that I could. I purchased an Oreck  
1026 XL tabletop professional air purifier in July, 2006, for  
1027 \$469.95. I had to borrow the money to purchase this air

1028 filter, but I did what I felt I had to do to protect my  
1029 family to exist day to day. Without this filter, I don't  
1030 even know if we could have been in the trailer at all.

1031 Let me close in saying this: since we have been in the  
1032 trailer, we have had to nebulize our son several times, and  
1033 my wife and I believe this goes directly to the lack of air  
1034 quality at times in the trailer. My wife has also had bouts  
1035 with breathing, and I have had several respiratory incidents,  
1036 the latest of which occurred on Thursday, July 12, 2007. The  
1037 smell of the formaldehyde was so strong and so overwhelming  
1038 that my eyes and my family's eyes were discomforted and we  
1039 just opened up the windows and everything, and it got so bad  
1040 that this past Tuesday I actually had to go to the emergency  
1041 room.

1042 I am not going to read the rest of the statement. You  
1043 have it for the record. But in closing I would like to say  
1044 to you all I didn't even know the Government was concerned.  
1045 When I found out about this, I just want to let you know I am  
1046 thankful to know that somebody is concerned. When you are  
1047 helpless, it is one thing; but when you are hopeless, it is  
1048 something else. So I hope that something is done about this  
1049 problem.

1050 I am free to answer any questions that you might have.

1051 Thank you.

1052 [Prepared statement of Mr. Harris follows:]

1053 \*\*\*\*\* INSERT \*\*\*\*\*

1054 Chairman WAXMAN. Thank you very much, Mr. Harris.

1055 I want to thank all of you. It is not easy to come and  
1056 testify before Congress, sharing your experiences which were  
1057 not happy ones, but it is important that you are here, and  
1058 this is a very helpful presentation.

1059 I am now going to recognize Members to ask questions,  
1060 and I am going to start with myself.

1061 You told us just compelling stories of what happened to  
1062 your families. I guess the question we want to know is, are  
1063 these isolated incidents, or are they widespread? Dr.  
1064 Needle, do you have any information about that?

1065 Dr. NEEDLE. Yes, Mr. Chairman. It has been very  
1066 difficult to get a handle on the numbers, and part of this is  
1067 because, as the other presenters have testified, the symptoms  
1068 are not anything, in and of themselves, unusual. They are  
1069 very common things. Myself, as a pediatrician, this was part  
1070 of the problem that I ran into is I would try and go back to  
1071 my medical records or try and pinpoint who might be  
1072 suffering. They were having colds and sinus infections--

1073 Chairman WAXMAN. So a lot of people would suffer. Kids  
1074 would come in to see you and they wouldn't associate it with  
1075 the formaldehyde.

1076 Dr. NEEDLE. Exactly.

1077 Chairman WAXMAN. Is that right, Ms. DeVany?

1078 Ms. DEVANY. Yes, sir. Exactly.

1079 Chairman WAXMAN. And some of you said thousands of  
1080 people are living in trailers. Is that an accurate  
1081 statement, Ms. DeVany?

1082 Ms. DEVANY. I would say it is certainly accurate or even  
1083 more than accurate. It may be more like tens of thousands.  
1084 The trouble is almost every trailer that FEMA sampled  
1085 unoccupied, continuously ventilated for three weeks, almost  
1086 all of them had elevation levels 100 times the recommended  
1087 exposure limits.

1088 Chairman WAXMAN. Those were trailers that were not  
1089 occupied, with the windows open, the air conditioning going,  
1090 and then at still very high levels?

1091 Ms. DEVANY. Extremely high levels. And, like I said in  
1092 my testimony, the Sierra Club's efforts were similar. Almost  
1093 all of the trailers had elevated levels that not only would  
1094 not be allowed in the workplace for normal, healthy adults  
1095 who were able to leave work and not be exposed, but certainly  
1096 dangerous levels for our more fragile and sensitive segments  
1097 of the population--children, adults with compromised immune  
1098 systems, other preexisting skin conditions, respiratory  
1099 conditions.

1100 And in that same vein, I am very, very concerned, as an  
1101 industrial hygienist, about the people who have never  
1102 complained about problems, who are afraid to complain about  
1103 the problems for fear their trailer will be taken away from

1104 | them, or don't have the money or speak the language well  
1105 | enough or have any idea who to turn to or where to go for  
1106 | help.

1107 | Chairman WAXMAN. That is very much of a problem.

1108 | Ms. DEVANY. From these samples, we know a vast majority  
1109 | of these trailers have levels way too high for anyone to live  
1110 | in.

1111 | Chairman WAXMAN. That is the story of the vast majority.

1112 | You know because you have done vast sampling of it, but we  
1113 | know only of one instance where FEMA sampled a trailer, and  
1114 | that was a case where, according to their documents that were  
1115 | submitted to us--maybe they sampled others--that was a  
1116 | trailer that was occupied by Carlton and Dawn Sistrunk, a  
1117 | husband and wife with a four month old daughter. Sistrunk  
1118 | was also two months pregnant. We got a signed statement from  
1119 | her that she complained and complained and complained, and in  
1120 | February of 2006 they sent somebody out to test it. After  
1121 | they went out there and tested that trailer, they found  
1122 | formaldehyde levels of 1.2 parts per million, and she was  
1123 | told not to re-enter her trailer. It was 75 times higher  
1124 | than the guidelines for formaldehyde exposure set by the  
1125 | National Institute of Occupational Safety and Health.

1126 | In that case, after that case the FEMA people out on the  
1127 | field were saying this is a real problem, we have got to do  
1128 | something about it. But after it got to the Washington

1129 | people, the thing that we see consistently is that they  
1130 | wanted to ignore the problem. They just wanted to act as if  
1131 | it didn't exist. So what we had is indifference to the  
1132 | suffering of people who are already suffering because of  
1133 | Hurricane Katrina, and this is from an Agency that is  
1134 | supposed to serve the public.

1135 |         We found in the documents that the Washington FEMA  
1136 | lawyers told their field staff, Do not initiate any testing  
1137 | until we give you the okay. Once you get results, should  
1138 | they indicate some problem, the clock is running on our duty  
1139 | to respond to them.

1140 |         It looks like they thought their duty was not to  
1141 | respond, not to know, to just be ignorant, to let people  
1142 | suffer. In fact--I thought this was remarkable--according to  
1143 | one internal FEMA e-mail that read, ''According to HQ, there  
1144 | are no health concerns associated with the formaldehyde  
1145 | inside our FEMA mobile homes, travel trailers.'' That is  
1146 | what they were saying, that there were no health concerns.

1147 |         Well, that just belies what the medical political and  
1148 | the others who suffered directly from the formaldehyde let us  
1149 | know from their own experience.

1150 |         Dr. NEEDLE. Mr. Chairman, if I may?

1151 |         Chairman WAXMAN. Yes.

1152 |         Dr. NEEDLE. I think we have been calling on the Gulf  
1153 | Coast for some time that the reason, for instance, I cannot

1154 | give you a straight answer as to how many people are affected  
1155 | by this problem is the short answer is we don't know. I  
1156 | think it warrants a study to find out exactly how many people  
1157 | are suffering, how many have come forward to FEMA or to the  
1158 | media or other agencies, and how many are, as Ms. DeVany  
1159 | said, basically suffering in silence. We don't have the  
1160 | answers to that.

1161 |         Mr. HARRIS. And may I say to that--

1162 |         Chairman WAXMAN. Yes, Mr. Harris.

1163 |         Mr. HARRIS. Mr. Chairman and other members, when you  
1164 | don't know what to do, you tend to try to make the best of  
1165 | the situation. When they talk about people suffering in  
1166 | silence, I think that people don't know what to do so they  
1167 | make the best of the situation because, even when they come  
1168 | to do the inspections--and they did an inspection with us  
1169 | about a week ago--we complained again. They said, well, we  
1170 | are not the ones that handle that. You need to call the FEMA  
1171 | call center and let them handle it. But when you call them,  
1172 | they tell you that you need to get with the inspectors. So  
1173 | we don't even have a direct line of who to actually call to  
1174 | find out how to handle the situation.

1175 |         I would say to you we need to know what to do and who to  
1176 | call so that we can try to make a change.

1177 |         Chairman WAXMAN. Absolutely. This is Government  
1178 | bureaucracy at its worst. It is the Government failing the

1179 | people who have already suffered from the hurricane and are  
1180 | now suffering from the health danger.

1181 |       I want to move on to the other Members, but I am sure  
1182 | you will get a chance to answer some of these points or make  
1183 | some more if you want.

1184 |       I would like to recognize Mr. Issa first, but I can ask  
1185 | unanimous consent to put a statement in the record by the  
1186 | Manufactured Housing Institute, which talks about their  
1187 | standards for building, and a statement by Lee Shull, who is  
1188 | a principal toxicologist and risk assessor. Without  
1189 | objection, that will be put in the record.

1190 |       [Prepared statement of the Manufactured Housing  
1191 | Institute and Lee Shull follow:]

1192 | \*\*\*\*\* INSERT \*\*\*\*\*

1193 Chairman WAXMAN. Without objection, I would like to ask  
1194 unanimous consent that the affidavit that we have from  
1195 Carlton and Dawn Sistrunk be made part of the record, as  
1196 well. Without objection, that will be the order.

1197 [Prepared statement of Carlton and Dawn Sistrunk  
1198 follows:]

1199 \*\*\*\*\* INSERT \*\*\*\*\*

1200 Chairman WAXMAN. Five minutes of your time you are  
1201 yielding to Mr. Issa.

1202 Mr. ISSA. Thank you, Mr. Chairman, and thank you for  
1203 holding this hearing today. I don't often get an opportunity  
1204 to say not only is this a bipartisan or even a nonpartisan  
1205 issue, but it is one that we are only just beginning to  
1206 touch.

1207 Mr. Chairman, I am going to beg your indulgence and say  
1208 that at this point I have no doubt that, either through  
1209 public hearings or through staff research, we are clearly  
1210 going to have to do a follow-up on the effects of  
1211 formaldehyde, since there seems to be a dichotomy between  
1212 what our own Government says the effects are and what we are  
1213 hearing here today.

1214 I would also ask that at least on the merits on paper  
1215 that we do a follow-up on the industry that produces these  
1216 products. I think they are not being heard from here today,  
1217 and they may very well be unfairly tarnished for what  
1218 happened in this case.

1219 Having said that, it is very clear that we need to  
1220 direct FEMA to find out why these trailers, in an industry in  
1221 which people routinely purchase both travel trailers and  
1222 single-and double-wide relocatable homes and have no such  
1223 problems that I am aware of--and it is millions of homes in  
1224 America--why these particular trailers or a large sub-section

1225 | of these trailers enjoyed this elevated level. I think that  
1226 | we have to direct FEMA to hold some accountability as to the  
1227 | specific manufacturers who delivered these products, which  
1228 | again goes to the question of virtually universal testing to  
1229 | find out where the shortcuts may have been taken.

1230 |         Last, but not least, I have taken the liberty--and my  
1231 | questions will be directed in this way--of reading ahead the  
1232 | FEMA Administrator's opening statement. It may surprise all  
1233 | of you, if you haven't had a chance to read it. I will give  
1234 | you something that may surprise you, and I am hoping that the  
1235 | Administrator will rethink his opening statement. It  
1236 | includes such things as, ''Only 58 trailer units have been  
1237 | replaced because of formaldehyde concerns, eighteen in  
1238 | Louisiana, thirty in Mississippi, eight in Texas, two in  
1239 | Alabama. Five additional formaldehyde complaints in  
1240 | Mississippi and Texas have resulted in occupants being moved  
1241 | to rental housing resources.'' I guess the number goes up  
1242 | ever so slightly.

1243 |         This relatively cavalier statement about the problem  
1244 | being that small because of the only people who have been  
1245 | resolved might, in fact, show us that FEMA has a large  
1246 | problem, is reducing it, and their opening statement talks in  
1247 | terms of cosmetics, show polishes, and other things which use  
1248 | formaldehyde as though these are self-induced elevated  
1249 | levels.

1250           Without going into the entire statement, and with that  
1251 warning to the next panel, are any of you surprised that only  
1252 fifty-eight plus five are, in fact, of concern today to FEMA?  
1253 Mrs. Huckabee? Anyone?

1254           Mrs. HUCKABEE. I would like to say that I am not overly  
1255 surprised that that many have been replaced, considering the  
1256 fact that it took about 14 months of constant complaining  
1257 saying something is making us sick for them to get around to  
1258 it. I am kind of disappointed. And pardon me if it was not  
1259 intended that way, but it sounds like they are using that  
1260 number to minimize the problem, rather than say this is what  
1261 has been solved. That I find highly disappointing.

1262           Mr. ISSA. When you are looking at the people, the three  
1263 of you that dealt directly with FEMA representatives, they  
1264 offered you alternate trailers. They eventually did give you  
1265 an alternate trailer.

1266           Mr. STEWART. Yes, sir.

1267           Mr. ISSA. But apparently they were willing to expend a  
1268 considerable amount of money. Are you of the belief that  
1269 this was a resource limitation, because we on this side  
1270 allocated a considerable amount of money. Do you believe  
1271 that it was resource or authority limited, if you can use  
1272 those two, for those who were directly affected.

1273           Mr. STEWART. It was authoritative. In fact, it is very  
1274 difficult to go through a statement like this with the time

1275 | limitations, because you don't get across what really  
1276 | happened to you. What happened to us was a very long  
1277 | process, and it would take us most of the day to discuss it.  
1278 | But, from the statements they made to me, they were  
1279 | degrading. It was like we were asking for something else,  
1280 | like they were giving us something.

1281 |       I told people over and over again, we are just like  
1282 | every other taxpaying citizen in the United States that just  
1283 | happened to lose everything we own in the span of a couple of  
1284 | hours.

1285 |       You know, we are not just alone. At the beginning of  
1286 | the statement I was actually going to read it, and I didn't  
1287 | for time's sake, but one of the things I was going to ask  
1288 | everybody up here to understand, and even the people who are  
1289 | behind us who are going to testify next, imagine when you  
1290 | left your house this morning, you made sure the stove was  
1291 | off, you locked up your house and made sure everything was in  
1292 | its place, and when you go home tonight your house is gone  
1293 | and everything that is in it is gone, and your neighbor's  
1294 | house is gone, and your neighborhood is gone, and your town  
1295 | hall is gone, stores, everything.

1296 |       We didn't ask for this, but the way FEMA treated us was  
1297 | as if we were charity cases; that when you called them with a  
1298 | problem, it wasn't a problem to them. To them you were  
1299 | asking for something better. That is the context they took

1300 | when you asked for help.

1301 |       Mr. ISSA. Mr. Stewart, even though you were an infantry  
1302 | officer and I was an armor officer, I just want to quickly  
1303 | ask you, You know how the culture of a chain of command  
1304 | works.

1305 |       Mr. STEWART. Yes, sir.

1306 |       Mr. ISSA. Can you give us a strong assurance, based on  
1307 | the numerous people you worked through, that, in fact, we are  
1308 | dealing in, in fact, a culture of the chain of command, or  
1309 | did other factors play a part?

1310 |       Mr. STEWART. It was definitely a culture of chain of  
1311 | command. They would do things like, ``I have to call  
1312 | someone. I will call you back.`` It was definitely they were  
1313 | working their way up the chain of command to find out what  
1314 | the answer was they were supposed to give.

1315 |       You know, at some point in time--and it is the one thing  
1316 | they taught all of us in officer training--when in doubt,  
1317 | make a decision. You have to allow first-level managers to  
1318 | make decisions about problems that are happening right now on  
1319 | the ground that could affect the health and welfare of  
1320 | people, and they didn't give those people that authority. It  
1321 | would take days sometimes to get an answer from somebody  
1322 | because they were calling probably all the way back to  
1323 | Washington to get an answer before they could tell us what  
1324 | they were going to do. That is not the way to treat people

1325 | who are having life-threatening problems.

1326 | Chairman WAXMAN. The gentleman's time has expired.

1327 | Mr. ISSA. Thank you, Mr. Chairman.

1328 | Chairman WAXMAN. Mr. Cummings?

1329 | Before you begin, Mr. Cummings, let me point out,

1330 | because the question was what the industry had to say, the  
1331 | Recreational Vehicle Industry Association submitted for the  
1332 | record a statement, a toxicology report, and in that report  
1333 | the industry said that the very high levels of formaldehyde  
1334 | were not harmful. I just wanted to note that. Their  
1335 | toxicology report is part of the record.

1336 | Mr. CUMMINGS. Thank you very much, Mr. Chairman.

1337 | First of all I want to thank all of our witnesses for  
1338 | being here. Mr. Stewart, Mrs. Huckabee, and Mr. Harris, let  
1339 | me say that I think it was you, Mr. Stewart, that said ``I  
1340 | have lost my faith in Government.'' Then you said something  
1341 | that really kind of struck me. You said in the real world  
1342 | you are on your own. But that is not the way the United  
1343 | States is supposed to be. When our people get in trouble,  
1344 | just like you just said, the Nation is supposed to come to  
1345 | their rescue, and you should not be treated like you are not  
1346 | a citizen of this country, and for that I think we all have  
1347 | to straighten that out.

1348 | To Mrs. Huckabee, you said, ``I do not believe that FEMA  
1349 | set out to do harm.'' And one of the other things that you

1350 | said was, ``What can I do to stop my children from being  
1351 | sick?'' Well, the fact is that FEMA should have asked the  
1352 | same question: how can they make sure that you and your  
1353 | family are safe?

1354 |         And then to you, Reverend Harris, you talked about  
1355 | helplessness and hopelessness. That goes back to the line of  
1356 | questioning that just took place, Mr. Issa's questions.

1357 |         I think part of the problem here--and we have got to  
1358 | keep this in mind--there are a lot of people who are  
1359 | helpless. They feel helpless and they feel hopeless, and  
1360 | they have already come through one storm, and they are just  
1361 | trying to figure out how do they survive from day to day, so  
1362 | rather than complain they go through the process.

1363 |         Then, going back to something you said, Ms. DeVany, we  
1364 | have got a situation where they have got children. I am  
1365 | telling you I was here shaking my head, the thought that  
1366 | someone would put children in that situation. I don't care  
1367 | who you want to blame for it, whether you say it is the top,  
1368 | the bottom, the fact is that this should not happen in the  
1369 | United States of America. It should not. We can send people  
1370 | to the moon, damn it, we ought to be able to protect our  
1371 | people and make sure our people are safe.

1372 |         Now, the Committee has been over it. Again, we have  
1373 | been hearing this stuff about ventilation. I just want to  
1374 | ask a few real quick questions.

1375           After receiving the results of this testing, FEMA has  
1376 repeatedly argued that ventilating is a viable option for  
1377 addressing high formaldehyde levels. For example, in an  
1378 official statement released to the public on March 1, 2007,  
1379 FEMA stated, ``Our investigation of formaldehyde and travel  
1380 trailers indicates that ventilating units can significantly  
1381 reduce levels of formaldehyde emissions.'' However, FEMA  
1382 failed to mention how it achieved these results. It tested  
1383 these trailers with all the windows open, the static vents  
1384 open, and the ventilation fan on for three straight weeks.  
1385 The testers never closed the trailers off in any way.

1386           Mr. Stewart, would it have been reasonable for you to  
1387 leave your windows open 24 hours a day?

1388           Mr. STEWART. I did.

1389           Mr. CUMMINGS. And what happened?

1390           Mr. STEWART. It came back at .22 parts per million, over  
1391 twice the safe level. And I can add that during that time it  
1392 was the middle of the winter. We had an air purifier in  
1393 operation when we did all our test, all of the windows open,  
1394 and the exhaust fan on, and it was almost four months after  
1395 we got our camper, so we had been airing the camper out for  
1396 four months and left it open while we did the test and it  
1397 still came back over twice the safe limit.

1398           Mr. CUMMINGS. Mrs. Huckabee, does testing the trailers  
1399 under the conditions provide you with any comfort? In other

1400 words, the testing that I just said?

1401 Mrs. HUCKABEE. No.

1402 Mr. CUMMINGS. And, Mr. Harris, when you leave your  
1403 trailer to go to work, to take your family somewhere, do you  
1404 have to lock it up and close the windows?

1405 Mr. HARRIS. You have to lock up your place, because it  
1406 is where your valuables are. I might add this to that: when  
1407 they tell you to air out the trailer, I don't really know  
1408 what air out means now. What does air out really mean,  
1409 because when you come back, believe me, it is terrible.

1410 Mr. CUMMINGS. So, in other words, if you leave the  
1411 windows open and come back, what happens? Do you still have  
1412 a problem?

1413 Mr. HARRIS. You still have a problem. If you go in  
1414 there, your eyes are going to burn, your eyes are going to  
1415 water, and you are going to start coughing. You will know.  
1416 We didn't know what it was at first. I know I didn't. I had  
1417 no idea it was formaldehyde.

1418 Mr. CUMMINGS. Ms. DeVany, you wanted to say something?

1419 Ms. DEVANY. I do. I would like the members of this  
1420 Committee to understand that, even though they keep hearing  
1421 formaldehyde levels will go away, they will get better and  
1422 better, in fact, Ball State University did a study of  
1423 formaldehyde and formaldehyde-emitting particle board and  
1424 fiber board and plywood, and those studies showed that after

1425 | four to five years the levels were still only down to half as  
1426 | much. Four to five years. We have to do something before  
1427 | this.

1428 |       Mr. CUMMINGS. I see my time is up. Thank you, Mr.  
1429 | Chairman.

1430 |       Chairman WAXMAN. Thank you very much, Mr. Cummings.

1431 |       Mr. Davis, I am going to recognize Mr. Souder next, but  
1432 | do you want--

1433 |       Mr. DAVIS OF VIRGINIA. The question is, whatever the  
1434 | level is, FEMA needs to be customer friendly. It seems like  
1435 | they were just more interested in covering their legal  
1436 | liability, keeping it out of the newspapers, and that is the  
1437 | wrong direction for Government. I think all of us on both  
1438 | sides of this, hearing your stories, that is not the way that  
1439 | we want Government to happen.

1440 |       Chairman WAXMAN. Mr. Souder?

1441 |       Mr. SOUDER. I thank the chairman. I want to make clear  
1442 | from the outset that my District makes trailers. Between 58  
1443 | percent and 67 percent of all RVs and trailers are made in my  
1444 | District. Tens of thousands of people's jobs are dependent  
1445 | on facts, not just talking. You all have had a terrible  
1446 | experience. FEMA did not appear to be responsive. To the  
1447 | degree it was formaldehyde, it should be addressed and there  
1448 | should have been a response to it. But it is important not  
1449 | just to have a hanging without even any scientific facts on

1450 | the table here. I'm sorry. There were 120,000 trailers that  
1451 | went to your area. They did not all come and were not all  
1452 | manufactured for this. FEMA went to dealers, FEMA went to  
1453 | all sorts of different types of things. In my travels down  
1454 | to New Orleans in that region you can see different types of  
1455 | trailers at different places, different types of brands at  
1456 | different places. You can't hang an industry based on the  
1457 | lack of one case where they checked it.

1458 |         We have some individuals' testimony. We have some other  
1459 | individuals. We have 177 formaldehyde complaints out of  
1460 | 120,000, 177. A sweeping statement saying people are afraid  
1461 | to complain doesn't cut it here. There needs to be actual  
1462 | research and checking and measurement.

1463 |         Furthermore, all sorts of numbers are being thrown out  
1464 | as far as what is acceptable. It is .4 by HUD, it is .1 by  
1465 | EPA. By the way, we don't even have an expert on this panel.  
1466 | Dr. Needle is a pediatrician. He hasn't done research papers  
1467 | on this, he hasn't studied this issue. He has the cases that  
1468 | are in front of him. He is doing the best that he can deal  
1469 | with as a doctor. Another person is a consultant here. They  
1470 | aren't an expert in the field. We have nobody here who  
1471 | actually knows anything much about formaldehyde or the  
1472 | industry. What we have are terrible personal stories that  
1473 | should have been treated. The Government should have  
1474 | responded.

1475           Now, there are some fundamental questions here. Was  
1476 there a difference in the normal process? Are these all made  
1477 by the same type of company? Is there some kind of  
1478 structural thing? How does it interact in your region? Why  
1479 haven't we had these problems in your region before with  
1480 these type of things? Clearly, campers are not intended to  
1481 be lived in. Why did FEMA let you live in a trailer that are  
1482 basically for people to go camping in for short periods of  
1483 time and who are outdoors heavily in that period? They are  
1484 not meant to be lived-in units, and yet some of them are  
1485 still down there being lived in in a way that these things  
1486 were never built to do.

1487           Furthermore, we have 10,000 of these things sitting in  
1488 Arkansas. In Arkansas, we had better make sure that if any  
1489 of those are resold that are rebuilt, that they have a great,  
1490 big made-for-FEMA, because the standard for the ones who were  
1491 making it was a different standard even than normal HUD  
1492 standards were to get them done, because you were in a panic  
1493 down there.

1494           We had every trailer that is made in Indiana that is  
1495 shipped out basically is pre-sold, so when they went and  
1496 bought these off dealers' lots they had to back-fill that.  
1497 The standards that they would have there would be different  
1498 than the standards that would be sold generally. Generally  
1499 not formaldehyde. That is a .4.

1500           Furthermore, the workers in the plant have a .75, and  
1501 these are checked and monitored on a regular basis. So one  
1502 of the other questions is, was there something that happened  
1503 in the speed of these that went out, combined with the  
1504 climate, that somehow changed even what normally would be in  
1505 that market? There is no evidence at all that the  
1506 individuals who made these things were impacted any  
1507 differently. There is no evidence that coming out of the  
1508 plants they were any different. To the degree we do find  
1509 that there are a number of these at 75 times, if that is the  
1510 case, other than just the one example, if that is the case  
1511 how did that happen? Because other inspections were  
1512 occurring as it went on. What is the interaction? What is  
1513 the time.

1514           But clearly the current FEMA trailers that are in  
1515 Arkansas should not go on market until this is further  
1516 researched.

1517           Secondly, we need to know whether this is universal. We  
1518 also need to know whether people who are getting sick, as Dr.  
1519 Needle did say, the symptoms for formaldehyde are similar to  
1520 many other symptoms that come through in this particular  
1521 climate, including water contamination, including stress,  
1522 combined with the extra pollution that is in the city. To  
1523 just uniformly, without research, make the assertions that I  
1524 have been hearing today about an industry is

1525 | irresponsibility.

1526 |       We need to respond and help individuals when they are  
1527 | sick. The insensitivity out of the Government to responding,  
1528 | whatever it was, you should have been moved out of that  
1529 | housing. That is not the question. But to slander and make  
1530 | assertions in this Committee without facts is really  
1531 | unfortunate.

1532 |       I yield back.

1533 |       Chairman WAXMAN. Did you have any of those questions you  
1534 | wanted responded to, Mr. Souder?

1535 |       Mr. STEWART. I could respond to a number of the  
1536 | statements that he made.

1537 |       Sir, first let me say for the record that I live in a  
1538 | camper. I bought my own camper. I am not here today to  
1539 | degrade the camper industry. I live in one. Okay? It is  
1540 | the way the campers were made and manufactured.

1541 |       Mr. SOUDER. There is no evidence of that, sir.

1542 |       Mr. STEWART. Okay. The--

1543 |       Mr. SOUDER. There is no evidence. That is what we need  
1544 | to look at because what you are saying may, in fact, be true,  
1545 | that, particularly with certain types of reactions in  
1546 | individuals there was not enough sensitivity or warning said  
1547 | to do that, but you cannot say on the record, based even on  
1548 | one case, that it is the way they were made. You say I think  
1549 | it is the way they were made in my case.

1550 Mr. STEWART. Okay. Anybody who has been in a FEMA  
1551 camper, anybody who has been in numerous FEMA campers--and I  
1552 have been in a number of FEMA campers, not just one, but  
1553 many--the walls are literally falling down in many of these  
1554 campers. These campers were not manufactured like a regular  
1555 camper. The industry threw these together and delivered them  
1556 for a reason. So as they sit today the FEMA campers were put  
1557 together in a shoddy fashion. They are not nearly as sturdy  
1558 as a regular camper, and whether the materials in them are  
1559 substandard or not, I know that the one I took apart, because  
1560 I took a lot of the material out of mine, the material was  
1561 not up to grade. There were a lot of things with that.

1562 And, just to answer your question on the industry  
1563 workers, if you watched the report by Dan Rather who  
1564 interviewed the industry workers who put those campers  
1565 together, many of them are, indeed, sick.

1566 Chairman WAXMAN. The gentleman's time has expired.

1567 Mr. Davis?

1568 Mr. DAVIS OF ILLINOIS. Thank you very much, Mr.  
1569 Chairman. I want to thank you for calling this hearing.

1570 You know, every time I am involved in a discussion or a  
1571 hearing relative to FEMA, there are new revelations which  
1572 seem to take this Agency to a new level of low.

1573 It is hard for me to imagine that any agency, that any  
1574 business, any unit of Government could operate with such a

1575 high level of incompetence, such a low level of sensitivity,  
1576 and obviously a level of not being prepared.

1577 Ms. DeVany, could I ask if you would turn to Exhibit Q  
1578 in your briefing materials? There is an internal FEMA e-mail  
1579 from July 26, 2006. It references what FEMA staff apparently  
1580 call the sniff test. As you can see, the subject line on  
1581 this e-mail is ``Formaldehyde Issues.'' It is a one-sentence  
1582 e-mail that reads, ``Can you send someone to check this out,  
1583 to simply do a sniff test and determine the needs for a  
1584 different unit?''

1585 There are other FEMA documents that refer to the sniff  
1586 test. This is apparently the process by which FEMA  
1587 determines if someone can exchange a trailer based upon high  
1588 formaldehyde levels. A FEMA employee or contractor visits  
1589 the trailer and sees if he can sniff the smell of  
1590 formaldehyde. If so, FEMA may swap out the trailer.

1591 Ms. DeVany, my question is, can you tell us if this  
1592 approach makes sense? Can a person, from you experiences,  
1593 from your training, from your level of expertise, can a  
1594 person reliably determine if a trailer is safe by simply  
1595 sniffing for formaldehyde?

1596 Ms. DEVANY. Yes, I can address that question. First of  
1597 all, I would like you to understand that you can't even smell  
1598 formaldehyde until the concentration is already, on average,  
1599 .83 percent, so that means 50 percent of people even at .83

1600 percent still can't smell it. Only about half the population  
1601 can, because that is the average. So the formaldehyde level  
1602 typically is close to one part per million before we even are  
1603 aware of definitively, Oh, that is formaldehyde. So we can't  
1604 depend on our noses, because once we can smell formaldehyde  
1605 we have been way over-exposed. People in the workplace know  
1606 this, too.

1607         Second of all, the reference to a sniff test most likely  
1608 is in reference to a direct driven instrument, a  
1609 photo-ionization reading instrument that you turn on outside,  
1610 calibrate it in fresh air, and then take it inside and it  
1611 reads almost instantaneously a formaldehyde level. That is  
1612 one possibility. Those are called sniffers. That is a  
1613 possibility of an instrument they might be referring to if,  
1614 in good faith, they were using instrumentation.

1615         They also could have used what is called a detector  
1616 tube, where they pull a known quantity of air through a  
1617 chemically treated tube that changes colors, and they know  
1618 from the concentration of change in color on the tube and the  
1619 volume of air what the concentration of formaldehyde would be  
1620 in the air. Those are called direct reading detector tubes,  
1621 and they take just five minutes to use. They might have done  
1622 that, too, if we want to interpret this in good faith and  
1623 think they actually used instrumentation and did not depend  
1624 on their noses. I would not like to think anybody really did

1625 | depend on their nose.

1626 |       Mr. CUMMINGS. Well, in developing protocols or methods  
1627 | of operation, would one be accurate to assume that FEMA had  
1628 | access to this type of information, if there were people  
1629 | working for FEMA and they knew how to get the information  
1630 | that could tell them how to respond to certain situations?

1631 |       Ms. DEVANY. This is certainly not common knowledge for a  
1632 | lay person to know about. FEMA would have to have  
1633 | specialists--industrial hygienists, environmental health  
1634 | engineers like myself--who understand this kind of  
1635 | instrumentation and how to do proper sampling for various  
1636 | airborne contaminants. Whether FEMA does or not, I have no  
1637 | knowledge.

1638 |       Mr. CUMMINGS. But they would have had access to  
1639 | resources that could have allowed them to have this kind of  
1640 | expertise available?

1641 |       Ms. DEVANY. Well, especially if they were working in  
1642 | association with the EPA experts who did the air sampling  
1643 | later.

1644 |       Mr. CUMMINGS. Thank you very much.

1645 |       I see that my time is expired. Thank you, Mr. Chairman.

1646 |       Chairman WAXMAN. Thank you, Mr. Davis.

1647 |       Mr. Platts?

1648 |       Mr. PLATTS. Thank you, Mr. Chairman. I don't have a  
1649 | question, but one is just a word of thanks to you, Mr.

1650 Chairman and Ranking Member and staff, for holding this very  
1651 important oversight hearing, and to the witnesses to thank  
1652 them for their testimony, and especially to the three  
1653 witnesses whose families have been impacted. I appreciate my  
1654 colleagues' opinion that we need to base our statements and  
1655 efforts and actions on fact, but your testimonies are fact.  
1656 The experiences that you have had in these trailers is a  
1657 factual experience, and each of you presented your  
1658 experiences very well, and that is going to be very helpful  
1659 to this Committee as we go forward and try to get to the  
1660 bottom of this issue that should have been gotten to the  
1661 bottom of a long time ago.

1662         The unexcusable response of FEMA in how it responded to  
1663 your and other inquiries asking for assistance and your own  
1664 individual efforts to get to the bottom of it, you shouldn't  
1665 have had to have done that. So we appreciate your efforts  
1666 and, as a parent, Mrs. Huckabee, sometimes as a parent you  
1667 just know what the cause of a problem is, even if you can't  
1668 prove it, but you know.

1669         Each of you should be commended for being willing to  
1670 come forward and, through your personal efforts, not just to  
1671 have a result for yourselves but for the greater good and  
1672 looking out for others.

1673         I am not sure with all of you, but I know, Mr. Stewart,  
1674 you referenced your past service in uniform, both with law

1675 enforcement, as well as in the military, and we are grateful  
1676 for that service, and yet again serving your fellow citizens  
1677 here today, as well as with your fellow witnesses.

1678 Thank you, Mr. Chairman.

1679 Chairman WAXMAN. Thank you, Mr. Platts.

1680 Mr. Cooper?

1681 Mr. COOPER. Thank you, Mr. Chairman. Thank the  
1682 witnesses.

1683 I am sorry that our skeptical colleague is no longer  
1684 able to be with us, Mr. Souder, because I thought he raised  
1685 some interesting questions.

1686 We certainly want to get all the evidence, but I haven't  
1687 seen this level of Government incompetence outside of the  
1688 nation of China. You know, when I first heard about this  
1689 contaminated living conditions, consumer products, things  
1690 like that, uncaring government, that is what first sprang to  
1691 my mind, and they executed an official in China for not  
1692 having done their job.

1693 You know, no one is asking for that here, but how about  
1694 a simple application of the Golden Rule? My wife is from the  
1695 Gulf Coast. She survived Hurricane Camille. President  
1696 Nixon's Administration supplied a trailer. They lived in it  
1697 for a year. It was a great experience. Everything worked.

1698 All we are asking for is for Government to work just as  
1699 well 40 years later. So perhaps our Republican colleagues

1700 | will want to join us in having Government work as well as it  
1701 | did in the Nixon Administration. That is not too high a  
1702 | goal.

1703 | [Laughter.]

1704 | Mr. COOPER. But let's apply the Golden Rule. If you put  
1705 | Exhibit B up on the monitor, the one home that FEMA  
1706 | apparently did test with living occupants, the Sistrunks, on  
1707 | April 6, 2006, these were the levels in their manufactured  
1708 | housing unit over an eight-hour period. Right side of the  
1709 | master bed, 1.2 parts per million.

1710 | We will disregard the inside-the-cabinet reading  
1711 | because, granted, that is probably going to be too high.  
1712 | Nobody lives inside a cabinet. But this other reading I  
1713 | found particularly touching. ``Bunk bed in small bedroom,  
1714 | 1.2 parts per million.'' Who sleeps in bunk beds in small  
1715 | bedrooms? Kids. Our precious children.

1716 | You know, I would feel a lot better about the skeptics  
1717 | if they could identify for me one high Federal FEMA official  
1718 | or one high industry executive who put their kid in a small  
1719 | bunk bed under these conditions. Then I would feel like the  
1720 | Golden Rule had been applied and we were doing unto others as  
1721 | they were doing unto us. But I haven't been able to identify  
1722 | that FEMA official. Maybe he or she is about to testify in a  
1723 | later panel. I haven't been able to identify that industry  
1724 | executive that is adhering to that simple, common sense,

1725 | back-home standard.

1726 |       That is what really worries me about this. The people  
1727 | of the Gulf Coast are fine people. They have been through  
1728 | incredible hardship. For them to face not only Hurricanes  
1729 | Katrina and Rita but Hurricane FEMA--which may stand for  
1730 | Failed Every Major Assignment--I am not talking about the  
1731 | rank and file folks, because they seem to have showed amazing  
1732 | common sense. When the field people report problems and  
1733 | their lawyers higher up say, ``Don't test at this time  
1734 | because then you have to deal with the results''--and this is  
1735 | quoting from an e-mail that was sent by a gentleman on June  
1736 | 15, 2006--``Do not initiate any testing until we give the  
1737 | okay.'' The reasoning for that was, ``Once you get the  
1738 | results, and should they indicate some problem, the clock is  
1739 | running on our duty to respond to them.''

1740 |       Well, the clock is running any time there is a small  
1741 | child in a bunk bed in any one of these units breathing this  
1742 | terrible stuff.

1743 |       Mr. Chairman, I am proud of you for holding this  
1744 | hearing. This is long overdue. We have got to clean up FEMA.  
1745 | We have got to help the people in the Gulf Coast and all the  
1746 | areas of danger in our Country. And I am tired of some of  
1747 | our colleagues making excuses for Government and these  
1748 | industry folks until they show us that the Golden Rule has  
1749 | been applied.

1750 Thank you, Mr. Chairman.

1751 Chairman WAXMAN. Thank you, Mr. Cooper.

1752 Ms. FOXX. Mr. Chairman, thank you. In ten seconds of my  
1753 time as a Republican--

1754 Chairman WAXMAN. Let me just say nobody is apologizing  
1755 here. I think we have been very clear, Government didn't  
1756 respond here and is responsible. When you say Republicans, I  
1757 hope you are not talking about the Ranking Member and others  
1758 who have been very critical of FEMA here.

1759 If we really want to go back to low standards, we go  
1760 back to the Carter Administration. There is a lot of blame  
1761 to go by, but we try to keep this hearing on the up and up,  
1762 and I appreciate the gentleman's comment.

1763 Ms. FOXX. Mr. Chairman, thank you.

1764 I also am not apologizing for anyone in the Federal  
1765 Government, particularly not in FEMA. I am sorry that my  
1766 colleague from Indiana left, because I will tell you all  
1767 something that you don't know, you have no way of knowing,  
1768 but the night before we had the vote to appropriate \$52  
1769 billion for hurricane relief for Katrina we raised a lot of  
1770 the issues--he did, I did, and a couple of other  
1771 Members--about the use of trailers, because we saw in the  
1772 plan the number of trailers that were going to be purchased.  
1773 We questioned how quickly those trailers would be available,  
1774 where they would be used, how would the community absorb

1775 | them. A lot of questions came up about this, and we were not  
1776 | given very satisfactory answers, to you will not find me to  
1777 | be an apologist for the Administration or FEMA in this area.

1778 | I voted against the Katrina funding of \$52 billion at  
1779 | one time because I said there was no accountability, there  
1780 | was no plan, we were doing this too quickly, and I think that  
1781 | is a major problem that we have in our Government.

1782 | I do, though, appreciate my colleagues also mentioning  
1783 | that we need to have a balanced hearing.

1784 | I am very sympathetic with all of you all for having  
1785 | problems. I think, Mr. Stewart, very few of us have  
1786 | experienced what you have described--coming home and having  
1787 | everything gone. That has to be so devastating. But what we  
1788 | need to do is we need to use your feedback to us as a way to  
1789 | fix the system. We are not doing enough of that in this  
1790 | Committee. That troubles me.

1791 | My constituents come to me and tell me about problems  
1792 | and I go out there and try to solve those problems. I look  
1793 | for how to make systemic change. That is why I got on this  
1794 | Committee, because I want to see systemic change. I don't  
1795 | care whether it is a Democratic Administration or Republican  
1796 | Administration. Government employees are there to serve you.  
1797 | That is my attitude. That is the attitude of my staff. And  
1798 | it should be the attitude of every person who works for any  
1799 | level of government.

1800 I want to mention that a couple of weeks ago we had a  
1801 bill here, H.R. 404, and I raised the issue about that bill  
1802 sounded great but it accomplishes nothing. Representative  
1803 Cuellar came to me and said, Let's try to make this better,  
1804 and we have been working on that bill to set standards for  
1805 customer approval, customer appreciation.

1806 What is lacking in that bill is what Representative  
1807 Cooper talked about--establishing responsibility and  
1808 accountability and consequences. It is unconscionable to me  
1809 that you would call a FEMA employee and not get the kind of  
1810 response you would get. If you are telling them you have  
1811 problems, they should solve that problem. That is their  
1812 goal. You are not a problem to them; you are the reason they  
1813 are there.

1814 But it just points out so many parts of our Government  
1815 are dysfunctional. We have too large a Federal Government.  
1816 We cannot do these things at the Federal level. FEMA should  
1817 be a coordinating agency, in my opinion, and most of the work  
1818 should be done at the State and local levels. We are taking  
1819 the power away from the people who can do the work and  
1820 putting it in the hands of people who simply are not on the  
1821 ground and don't know how to do it.

1822 As far as the quality of the trailers or the campers are  
1823 is concerned, I think we definitely should look into that and  
1824 make sure we don't ever have these kinds of substandard

1825 | things done, if they were. But I do agree with Congressman  
1826 | Souder--we need to know all the facts. We need outstanding  
1827 | know the proportion and we need to find out why, if there was  
1828 | a really bad unit made, what caused that to happen and why  
1829 | that won't happen again, and getting to the systems is what  
1830 | we need to be doing so that the people are served better.

1831 | I hope this Committee, Mr. Chairman, will start taking a  
1832 | broader view, instead of just the sensational things. Again,  
1833 | what you experienced is very personal and very tragic, but it  
1834 | is meant to sensationalize. That doesn't accomplish a lot  
1835 | except to raise our awareness, and it only accomplishes  
1836 | something if we follow up on it in a systematic way. That is  
1837 | what I would like to see happen.

1838 | I thank you for at least giving constituents this  
1839 | opportunity, because I listen to my constituents and then I  
1840 | work on what they talk to me about.

1841 | Thank you.

1842 | Chairman WAXMAN. Thank you.

1843 | I just want to point out to the gentlelady that I knew  
1844 | from my own experience what a good job FEMA could do. When  
1845 | we had an earthquake in California, FEMA was right there.  
1846 | They helped. People were grateful. We recognize that. We  
1847 | don't approve the FEMA operation, but we have got to identify  
1848 | problems, not just accept the fact that they can't be  
1849 | resolved.

1850 Mr. HARRIS. Mr. Chairman?

1851 Chairman WAXMAN. Yes, Mr. Harris?

1852 Mr. HARRIS. May I reply to Ms. Foxx?

1853 Chairman WAXMAN. That is up to her.

1854 Mr. HARRIS. I would share this with the chairman, as  
1855 well. I must say this, when you are in a dilemma and you are  
1856 needing answers, when you are dealing with FEMA--I am not  
1857 talking about conjecture or a parable or a story, I am  
1858 telling you what happened. These are not imaginary things,  
1859 and when you deal with FEMA after you lost everything you  
1860 have, they do not respond, or they have not responded in a  
1861 way that you would think would be equitable when you are in a  
1862 situation.

1863 I can identify with Mr. Stewart and Mrs. Huckabee. When  
1864 you talk to them, there is no sense that there is something  
1865 that is going to be answered or handled.

1866 So as far as sensationalizing, I don't know about that.  
1867 As far as it being Republican or Democrat, when I call FEMA I  
1868 don't tell them what party I am. I am just trying to get  
1869 some help. And what I think in my lowly position is that  
1870 they have not been able to remedy us. I don't want to speak  
1871 for them, but when I call, I feel just as confused after I  
1872 called as what I did, because I don't know what to do.

1873 Ms. FOXX. Mr. Chairman, could I make one quick comment?

1874 Chairman WAXMAN. Yes, one quick one.

1875 Ms. FOXX. What my position is, you should be able to  
1876 write down the name of that person that you are not getting  
1877 an answer from and have some place you can go to and get a  
1878 response and get feedback, and they know that if they don't  
1879 treat you right there will be consequences. That is the  
1880 problem with our system now, there are no consequences for  
1881 bad performance on the part of Federal employees. There are  
1882 many wonderful Federal employees who work hard to do their  
1883 job, but when you are not being treated right, you should  
1884 have some mechanism for alerting people to that.

1885 Chairman WAXMAN. The gentlelady's time has expired.

1886 I want to recognize my colleague from California, but  
1887 one of the consequences, if they have got to come here before  
1888 the Congress you may call it sensationalizing, but we are  
1889 going to make people answer through oversight for the lack of  
1890 due diligence and responsible actions.

1891 Ms. Watson?

1892 Ms. WATSON. Thank you, Mr. Chairman, for your ability  
1893 over the years to bring truth and speak truth to power.

1894 Sensationalizing? Let me sensationalize it even more.  
1895 I was a member of the California State Senate. I moved into  
1896 a new office. They came in and gave me new carpeting. They  
1897 put it down with glue. They painted my walls and they  
1898 brought in naugahyde furniture.

1899 I became violently ill. I went to doctors in

1900 Sacramento, in Los Angeles, wherever I could. I spent  
1901 thousands of dollars of my own money, not government money,  
1902 my own money to find why my eyes were tearing and red, my  
1903 nose was running, my face was swollen, a terrible odor was  
1904 coming up, my stomach cramped. This happened over a period  
1905 of months, and I had all kinds of skin tests.

1906 I find out I was allergic to something called  
1907 formaldehyde. Are you aware that glue that sticks carpet and  
1908 tile has formaldehyde in it? So the construction of probably  
1909 your trailer had formaldehyde in the glue that held component  
1910 parts together.

1911 It wasn't until a doctor sent a team in to test the air.  
1912 They wrote me a six-page letter, single spaced. I had to  
1913 take it to the Rules Committee. The Rules Committee said I  
1914 could have my office redone because it takes two and a half  
1915 years for formaldehyde to gas out. Two and a half years.  
1916 And as long as that substance is there in the building  
1917 component parts, you are breathing it in. It will definitely  
1918 affect your entire system, because it goes up into your  
1919 T-zone, it affects your brain, it affects your concentration,  
1920 it starts to destroy the meninges of the brain. That is that  
1921 thin skin. It could eventually kill you.

1922 So if I haven't sensationalized it enough, I will bring  
1923 the letter and submit it to the Chair as evidence.

1924 I have not seen a department so incompetent as Federal

1925 Emergency Management Agency has been in the last six years.  
1926 I watched, like the world did, the response to Katrina. It  
1927 was shameful.

1928         So I want to apologize to you.

1929         And for my colleagues who are saying we don't have a  
1930 statistical base, we only need one. We don't need thousands.  
1931 And when I read an e-mail like I am going to share with you  
1932 right now--and this is something that went to FEMA and this  
1933 is the response from one employee. ``I received guidance  
1934 from our IA policy group at HQ.'' I imagine that is  
1935 headquarters. ``According to HQ, there are no health concerns  
1936 associated with the formaldehyde inside our FEMA MH/TT.''   
1937 Those are trailers. ``We were given instructions to turn on  
1938 the heater for an hour, then turn off the air and open all  
1939 the windows and turn on the air for 48 hours.'' This will  
1940 eliminate the smell. It will not eliminate the cause that is  
1941 sickening the people who live there, because the formaldehyde  
1942 is in the materials that hold the unit together. ``If you  
1943 have any questions or concerns, feel free to contact me.''

1944         Now, that is denying that these trailers are emitting a  
1945 substance that really takes two and a half years to gas out.  
1946 This is a scientific fact. So you coming, speaking truth to  
1947 power--and we are the power--I want to commend you for that.  
1948 You cannot deny what is true. FEMA has failed us.

1949         I argued long and loud not to put FEMA under Homeland

1950 Security. You have too many levels of bureaucracy. So  
1951 Brownie, you have done a good job. Just to let you know that  
1952 it is cronyism and incompetence that has put us in this  
1953 situation. I apologize to all of you for the failure of our  
1954 Government.

1955 I yield back my time, Mr. Chairman.

1956 Chairman WAXMAN. Thank you, Ms. Watson.

1957 Mr. Jordan?

1958 Mr. JORDAN. I thank the chairman. I see we have another  
1959 panel, and I am fine at this time. I would be happy to yield  
1960 to Representative Jindal.

1961 Mr. JINDAL. I thank my colleague for yielding. I also  
1962 want to thank the Chairman and Ranking Member for holding  
1963 this hearing.

1964 First of all, I want to echo my colleagues' comments,  
1965 especially to our two residents that had to live in these  
1966 trailers. You deserved to be treated better. Nobody can  
1967 excuse what you had to endure.

1968 I have often said it is almost like there were three  
1969 disasters; there were the storms; in Louisiana there was a  
1970 breaking of the levees; and then, third, there has been the  
1971 bureaucratic response.

1972 I wish I could tell my colleagues I believe these to be  
1973 isolated cases. We know personally these aren't isolated  
1974 cases. We have gotten dozens of calls in our offices. We

1975 | share the same frustration as the witnesses we are hearing  
1976 | from today when we called to seek better treatment, whether  
1977 | it was replacement trailers, alternative housing  
1978 | arrangements. We literally had a constituent who had one  
1979 | lung, was living in a trailer, decided to move back in their  
1980 | moldy apartment thinking that was safer for them than the  
1981 | formaldehyde in their trailer.

1982 |         There is absolutely no excuse for how these witnesses  
1983 | and the others that can't be here have been treated. Let's  
1984 | be clear about that. No excuse.

1985 |         I have got a couple of questions, but I want the  
1986 | witnesses, especially the two gentlemen that have had to live  
1987 | and endure through this, to know there is no excuse for the  
1988 | way you have been treated. You said it exactly right, sir.  
1989 | You are an American citizen. You are a taxpayer. It wasn't  
1990 | your fault these storms took away everything you own. There  
1991 | was no excuse for you to have to be a victim of your own  
1992 | Government's incompetence.

1993 |         Mr. Stewart, again, please take your time. I have got  
1994 | just really two questions, one for you and then one for Dr.  
1995 | needle, as well. Mr. Stewart, you indicated that you made  
1996 | several calls to FEMA to complain about the conditions in  
1997 | your trailer. You report that the results from the American  
1998 | Chemical Center's kit showed elevated levels of formaldehyde.  
1999 | You complained that FEMA still would do nothing to address

2000 | this issue, refused to help.

2001 |         Later we are going to hear testimony today from FEMA.

2002 | We are going to hear testimony from FEMA that they  
2003 | immediately responded upon receiving complaints. I know for  
2004 | a fact that is not true. I know we didn't have success in  
2005 | getting responses for many of our constituents, even after  
2006 | they brought medical documentation, even after they were able  
2007 | to prove they or their children were suffering due to these  
2008 | elevated levels of formaldehyde, and we did get a response.  
2009 | We did get a response. So often the response was something  
2010 | as ridiculous as, well, open the windows, run the A/C, as if  
2011 | that was going to solve the problems in these trailers,  
2012 | especially when you saw formaldehyde levels higher than what  
2013 | would be acceptable for workers if this was OSHA, higher than  
2014 | what was acceptable for FEMA's own inspectors. How in the  
2015 | world could they expect you and your family, you and your  
2016 | wife, how can they expect other families, how can they expect  
2017 | children to simply just open the windows and not worry about  
2018 | it?

2019 |         It is a leading question, but I still want to give you a  
2020 | chance to respond according to the best of your recollection.  
2021 | I want you to have a chance, because we are going to hear  
2022 | later today from FEMA that they responded quickly to every  
2023 | complaint. We know that is not true.

2024 |         I want, to the best of your recollection, after you

2025 | complained to FEMA how long did it take for you to get a  
2026 | response? Did you ever actually even get an adequate  
2027 | response? We have heard from your testimony what happened,  
2028 | but I certainly don't think it was proper you had to use your  
2029 | own reinsurance money instead of rebuilding your home to  
2030 | instead have to provide yourself with temporary safe housing.  
2031 | But after you complained, how long did it take? And did you  
2032 | ever get an adequate response?

2033 |         Mr. STEWART. First of all, it is not really a leading  
2034 | question, but no, I did not ever receive an adequate  
2035 | response. If I had, I wouldn't have had to buy my own camper.  
2036 | I think that can speak for itself.

2037 |         I can also say that if you want proof positive that FEMA  
2038 | failed to react, why is it that a citizen has to tell FEMA,  
2039 | Listen, first of all there is an OSHA study out there that  
2040 | says these campers are contaminated, number one? Number two,  
2041 | why does a citizen have to go out and seek out assistance  
2042 | from a chemical sensor company in the United States to send  
2043 | me a free sensor so that I can test my own camper?

2044 |         I tested my camper because FEMA would not, and I took it  
2045 | upon myself to do the research and the work that FEMA should  
2046 | have done in the first place, so for FEMA to ever try and say  
2047 | they reacted quickly, you know, when I complained, I don't  
2048 | know how anybody can possibly say that, because there is  
2049 | nobody in this room that would go to the extent that I went

2050 | to without having to be forced to do so. If FEMA had said,  
2051 | we are on the way out with someone to test your camper, I  
2052 | would have been more than glad to let them in and test it and  
2053 | we would have been on our way.

2054 |       Even after that, I gave FEMA chance after chance. I  
2055 | actually told FEMA before I ever went through this process, I  
2056 | am going to test my camper and I am going to tell you what  
2057 | the results are, which I did. I called them and said, Here  
2058 | are the results. They still refused to act. At that point I  
2059 | even told them, Listen, this camper is toxic. One, I want a  
2060 | new camper; and, two, I want to know how you are going to go  
2061 | about testing other campers in the community because I can't  
2062 | be the only one. There are tens of thousands of my friends  
2063 | living out there in these campers, and I want to make sure  
2064 | they are safe. And if you don't do that, I am going to do  
2065 | everything I can to publicize this issue, because the people  
2066 | have to know what is going on, so either you fix it or I am  
2067 | going to do what I can to fix it.

2068 |       I tried as hard as I could to get FEMA to react, and  
2069 | they failed to. They just knowingly failed to respond.

2070 |       Mr. JINDAL. Mr. Stewart, if your time allows, I hope you  
2071 | will wait and listen to the testimony of the second panel,  
2072 | because when we hear, as a Congressional Committee, when FEMA  
2073 | comes and tells us they did respond quickly to every case, if  
2074 | your time allows I would like you to be here present to hear

2075 | that.

2076 | I would like to thank both the witnesses. You represent  
2077 | so many other people that can't be here today from the Gulf  
2078 | Coast that should not have had to endure this.

2079 | There is a woman in Baton Rouge who has now died. They  
2080 | haven't yet proven that her cancer was related to  
2081 | formaldehyde, but many families have complained they had  
2082 | asthma, they had respiratory problems, they had prolonged  
2083 | exposure to a carcinogen, and instead of getting prompt  
2084 | attention to their complaints they were met with stonewalls,  
2085 | they were met with frustration. They were denied any help,  
2086 | and many times they were told their health claims simply  
2087 | weren't real, even though they saw it was happening to them  
2088 | and to their children.

2089 | Mr. Chairman, I think I have exhausted my time. I have  
2090 | got a second question. I will save it if we have another  
2091 | round of questions.

2092 | Thank you, Mr. Chairman.

2093 | Chairman WAXMAN. Thank you, Mr. Jindal.

2094 | Mr. Yarmuth?

2095 | Mr. YARMUTH. Thank you, Mr. Chairman.

2096 | I also would like to join in this joint apology or  
2097 | collective apology to the three of you. This is  
2098 | unconscionable, and this is one of the reasons that I think I  
2099 | and many others of the freshman class ran for office--to try

2100 | to deal with the type of inefficiencies and abuses of the  
2101 | Government that we have seen.

2102 |       I would also like to respond to something that Mr.  
2103 | Souder said. I understand his sensitivity, but I read this  
2104 | whole hearing a little bit differently. I am willing to  
2105 | stipulate that the industry has a pretty good record of  
2106 | providing safe products, and I think it is simply the fact  
2107 | that this appears to be such an aberration that it would call  
2108 | into question why FEMA didn't look at, even if it were only  
2109 | 58 cases--we know it is more than that--and say, wait a  
2110 | minute, there is something very wrong here, because these  
2111 | manufactured homes should not be this way.

2112 |       I think it is specifically because this is so unusual  
2113 | that FEMA should have had red flags all over the place and  
2114 | taken action.

2115 |       But I want to get to the issue with you as to maybe how  
2116 | widespread these incidents were. I know when the Committee  
2117 | announced that it was holding hearings, we heard from a  
2118 | number of organizations that have been dealing with this  
2119 | issue. One of them is called Alabama Arise. A man named  
2120 | Zach Carter, who was an organizer there, submitted some  
2121 | written testimony to the Committee because he couldn't  
2122 | appear.

2123 |       I would like to ask unanimous consent to make that part  
2124 | of the record, Mr. Chairman.

2125 Chairman WAXMAN. Without objection.

2126 [Prepared statement of Zach Carter follows:]

2127 \*\*\*\*\* INSERT \*\*\*\*\*

2128 Mr. YARMUTH. He stated in his written testimony, ''I  
2129 have met and video interviewed dozens of Katrina victims in  
2130 South Mobile County, and I can say that almost each one has  
2131 complained to me about health problems that they have  
2132 developed since moving into their FEMA camper, from  
2133 nosebleeds and bronchitis to high blood pressure.''

2134 David Underhill of Mobile-based Sierra Club has informed  
2135 us that almost all of the dozen FEMA campers that that  
2136 organization tested had had problems with formaldehyde. We  
2137 have had testimony from many, many people. So I am  
2138 interested in knowing, particularly with the three of  
2139 you--and I am not familiar with the setting in which you  
2140 lived, but I assume you lived in an area where there were  
2141 many people in similar circumstances living in FEMA-supplied  
2142 campers. Did you have conversations with these people to  
2143 share their experiences? Would you elaborate on those for us?

2144 Mr. STEWART. Sir, immediately after my test results came  
2145 out and were publicized, I was contacted by the Sierra Club  
2146 and took part in assisting them in testing campers in Bay  
2147 Village, which is a FEMA trailer park in Bay St. Louis. I  
2148 will tell you two things that were shocking. Number one was  
2149 the number of trailers that tested with excessively high  
2150 formaldehyde. Of all the campers that were tested, 88  
2151 percent had formaldehyde levels that were deemed unhealthy.

2152 The second and almost the scary thing is that when you

2153 | walked in and asked these people, this is who we are. This  
2154 | is who I am. I tested my camper. My camper was high. Can  
2155 | we hang a test kit in your camper to make sure that what you  
2156 | are living in is safe? Almost unanimously the first response  
2157 | was, As long as it is okay with FEMA, because I don't want to  
2158 | lose this house, because if I lose it I am going to be living  
2159 | back on my slab.

2160 |         The fear of FEMA was so strong that people would rather  
2161 | live in an unhealthy environment than to be back on the  
2162 | street, because they feared FEMA would come in and snatch  
2163 | that house right out from underneath of them.

2164 |         When the first media event happened and I had publicized  
2165 | what happened to me, the reporter who did the report, he was  
2166 | living in a FEMA camper, too. We actually joked back and  
2167 | forth, because we had already heard of FEMA coming in heavy  
2168 | handed and taking campers away from people, and we actually  
2169 | contemplated what happens if this thing goes out. You may  
2170 | lose your house, too, because he was living in a FEMA camper.

2171 |         There is a deep-rooted fear of people living in these  
2172 | things that someone is going to come in and snatch up their  
2173 | house.

2174 |         Mr. YARMUTH. Well, I just have a few seconds left, so I  
2175 | would like Mrs. Huckabee and Mr. Harris to comment also about  
2176 | their experiences, if you had conversations with others.

2177 |         Mrs. HUCKABEE. I, too, at school meetings and at play

2178 | dates and things like that. Conversation would come up about  
2179 | somebody not being there because their child was sick again  
2180 | and again and again. It was the same type stuff--asthma  
2181 | symptoms. I cannot count the number of people I know that  
2182 | have had children born since the storm and they all have  
2183 | asthma. It used to be something where every once in a while  
2184 | you would hear of somebody, but I think almost literally  
2185 | every friend that I have that has had a child born since the  
2186 | storm, they have turned asthmatic, and they are all in the  
2187 | FEMA trailers.

2188 |         Mr. HARRIS. I would like to just quickly echo and say  
2189 | yes. As a minister, what we try to do is help people during  
2190 | the times that they are feeling very vulnerable and the times  
2191 | that they are feeling inadequate, and I want to tell you that  
2192 | there are trailer parks and other areas where people are  
2193 | suffering. I must say again to you, please hear me, it is  
2194 | not an imagined thing what Mr. Stewart is saying. There is a  
2195 | fear. There is an element that they make you feel like you  
2196 | ought to be glad you have got this. Congressman, I can't  
2197 | over-emphasize that. So when we are saying this to you,  
2198 | please hear me.

2199 |         Mr. YARMUTH. Thank you. We hear you very loud.

2200 |         Mr. HARRIS. Bless you.

2201 |         Mr. YARMUTH. Thank you.

2202 |         Chairman WAXMAN. Thank you, Mr. Yarmuth.

2203 Mr. Towns?

2204 Mr. TOWNS. Thank you very much, Mr. Chairman.

2205 Let me begin by first thanking all the witnesses. I  
2206 really appreciate your taking time to come and to share with  
2207 us. Let me say right from the outset, you know, I have  
2208 enough proof. The fact that you are here and you have  
2209 indicated in terms of your views and you talk about the  
2210 children and your sick children and the problems that you  
2211 have encountered, that is enough proof for me.

2212 Of course, I come from New York and I know about 9/11.  
2213 I remember even with EPA, when they indicated the fact that  
2214 there is no problem, and then now all of the sudden people  
2215 are having respiratory problems, and now people are saying I  
2216 think maybe something did occur. Well, I think that your  
2217 coming and sharing with us is something that we need to get  
2218 on top of right away because I must say here we go again.

2219 To think about the fact that the lawyers basically said  
2220 no testing until you contact us, I mean, that to me sort of  
2221 smells like a cover-up, and I think that we cannot afford to  
2222 have a cover-up.

2223 One of my colleagues on the Committee here went on to  
2224 say no proof, but people afraid to complain, that is normal.  
2225 I mean, if you are dealing with a big Government agency and  
2226 they are saying that we are going to give you this, even  
2227 though it is not right, you still don't want to complain

2228 | about it. A lot of people fall into that category, and a lot  
2229 | of people will suffer before they will actually complain.

2230 |         But the point of the matter is that I am concerned  
2231 | because you said that FEMA was treating them like a charity  
2232 | case. Well, that to me is very troubling, because when you  
2233 | have a family member that is suffering, you are suffering,  
2234 | and a lot of your friends are suffering, and you are trying  
2235 | to do something about it.

2236 |         I think Reverend Harris mentioned we are helpless but we  
2237 | are not hopeless, but at a point some people begin to become  
2238 | hopeless, and they just feel that nothing can be done, nobody  
2239 | cares about the situation, and I think that your coming here  
2240 | and sharing with us, indicating the fact how people's eyes  
2241 | are burning and how they are tearing, and for us to hear in  
2242 | an open way that FEMA's priorities seem to have been  
2243 | upside-down, they were more concerned about protecting  
2244 | themselves, protecting their image, rather than protecting  
2245 | the people. That is the thing that I think is coming across  
2246 | very loud and clear to me.

2247 |         I do have one question I probably want to ask you, Dr.  
2248 | Needle. Will you please turn to Exhibit K, this e-mail  
2249 | exchange between FEMA and the Gulf Stream Coach discussing  
2250 | the trailer's occupant. If you turn to the bottom of page  
2251 | seven you will see an e-mail that says, employees after  
2252 | interviewing a trailer occupant, it reads, "He has been

2253 | experiencing numerous respiratory problems. Upon advice from  
2254 | his doctor--'' that is the occupant talking, occupant of the  
2255 | trailer--''is requesting the manufacturer's safety data  
2256 | sheets in regards to types of solvents, glues, or adhesives  
2257 | used in manufacturing the trailer. The applicant states that  
2258 | the trailer stinks like formaldehyde.''

2259 |         Now, if you turn to page three, in the middle of the  
2260 | page a FEMA lawyer responds and says, ''The program should  
2261 | not be dealing with applicants on the formaldehyde issue  
2262 | without first coordinating with the lawyers of FEMA and the  
2263 | Department of Justice.''

2264 |         And FEMA's field employee responds in the middle of the  
2265 | page. He says, ''Okay. If I interpret this correctly, we  
2266 | are at all stop on providing material safety data sheets to  
2267 | requesters.''

2268 |         Doesn't that seem to be a cover-up?

2269 |         Dr. NEEDLE. I don't know if I can speak directly to  
2270 | that, but--

2271 |         Mr. TOWNS. Let me put it this way, Doctor. In the case  
2272 | of a doctor has advised his patient to try to learn what  
2273 | chemicals might be causing his respiratory problem, do you  
2274 | think that is a reasonable request? You can answer that one.

2275 |         Dr. NEEDLE. Absolutely. I agree that it would be. Yes.

2276 |         Mr. TOWNS. Yet FEMA's lawyers see it as their job to  
2277 | prevent information from being conveyed to the trailer

2278 occupants. Does that seem to be right to you?

2279 Dr. NEEDLE. I think, as the documentation is coming out,  
2280 both from what we know and from also what the Committee has  
2281 discovered and is relating to us, I think it is becoming  
2282 clear that FEMA has known about this problem for much longer  
2283 than at least any of us suspected. I mean, I can tell you,  
2284 for instance, that we on the ground in Mississippi and  
2285 Louisiana were raising attention to this issue well over a  
2286 year ago, and at that point FEMA's spokesperson said--I am  
2287 paraphrasing--basically everything was under control and that  
2288 there were no health concerns. And what we are finding to  
2289 day is that even at that very time there were individuals  
2290 within the Agency that felt otherwise.

2291 Mr. TOWNS. You know, it sounds like a cover-up to me.

2292 Anyway, my time has expired, Mr. Chairman. Thank you so  
2293 much.

2294 I do thank all of you for coming, and I really, really  
2295 appreciate your sharing information with us, because I think  
2296 that the message is clear and that we want to do whatever we  
2297 can to try and fix it. Thank you so much.

2298 Chairman WAXMAN. Thank you, Mr. Towns.

2299 Mr. Sarbanes?

2300 Mr. SARBANES. Thank you, Mr. Chairman.

2301 Thank you all for your testimony. I want to rebut the  
2302 notion that Government is inherently incompetent and can't do

2303 | the job, which is a direction you can head in when you hear  
2304 | the kind of testimony that is here. In my view, Government  
2305 | is there. It is an instrument to be used for good or bad,  
2306 | and it depends on leadership. For this kind of thing to  
2307 | happen, you either have to have uncaring leadership or  
2308 | incompetent leadership. There are only two choices, because  
2309 | if you have leadership that is caring, then the only way  
2310 | something like this happens is if it is incompetent. If you  
2311 | have leadership that is competent, then the only way this  
2312 | could be allowed to happen is if the leadership is uncaring.  
2313 | So we are probably at the beginning of a process, Mr.  
2314 | Chairman, that is going to continue to bring forth more  
2315 | information and evidence. We can get to that issue, and we  
2316 | are going to have testimony later.

2317 |         Who is dis-served by this? I want to say I hope you  
2318 | don't feel that we are over-indulging in the statements that  
2319 | are coming forward here, but I think it reflects the level of  
2320 | anger on the part of members of this Committee. But who is  
2321 | dis-served? Obviously, you are dis-served, first and  
2322 | foremost, the people that should have been helped. But, in  
2323 | addition, I know that there are FEMA employees, rank and file  
2324 | people in the field, some of whose expressions of caring have  
2325 | been documented here today, who are going to watch this  
2326 | hearing and they are going to say, that is not us. We care,  
2327 | and we do the job in a competent way. But the leadership

2328 | that is coming from above has either tied our hands or  
2329 | neglected us, and then it spills over and affects you. So  
2330 | they are being dis-served.

2331 |         The third constituency that is being dis-served is  
2332 | everybody in this Country, because we keep grasping for  
2333 | examples that we can do things right when we face these  
2334 | challenges, and we keep seeing instances where we are  
2335 | screwing it up. Again, that comes back to leadership.

2336 |         I want to ask you, Mrs. Huckabee, to answer this  
2337 | question for me. Tell me about those moments in the middle  
2338 | of the night, because I am sure they happen, when you thought  
2339 | to yourself, Am I going crazy? Because what I hear is common  
2340 | sense. There are no experts. You are the experts. You are  
2341 | there. You are trying to protect your family. You see what  
2342 | has happened. You walk in. You see your daughter covered in  
2343 | blood. Yet, every time you try to penetrate the system and  
2344 | get them to respond you are the one who has to come away  
2345 | wondering whether there is something wrong with you, whether  
2346 | your assessment is somehow flawed when you see all around you  
2347 | all the evidence that something is going on. So tell me  
2348 | about those moments when you were sitting there saying, Am I  
2349 | going crazy? Because I bet that happened.

2350 |         Mrs. HUCKABEE. There are so many of them. I mean, my  
2351 | daughter woke up in the middle of the night coughing, crying,  
2352 | wheezing. My son with the sinus infections over and over

2353 | again. I mean, you begin to think, if FEMA is saying there  
2354 | is nothing wrong with these trailers and there has got to be  
2355 | something. I even had one FEMA representative on the  
2356 | maintenance line saying, Are you sure that you are not  
2357 | exaggerating your children's symptoms? They said that they  
2358 | had people trying to claim they had formaldehyde to get  
2359 | bigger and better trailers and things like that.

2360 | I mean, I assure you I even went back to the  
2361 | pediatrician's office and said, Look, can you give me the  
2362 | list of dates that I was here, because it seemed like we were  
2363 | there so often. I wanted to make sure in my own mind because  
2364 | I thought surely my kids have not really been there once a  
2365 | week for the past 18 months. And I even called the  
2366 | receptionist and said, Can you give me the list of dates that  
2367 | I have been there and called and everything.

2368 | I mean, it is just terrifying because you know that  
2369 | there are people who look at you and go, Now why can't you  
2370 | just keep your kids healthy? They have got these seemingly  
2371 | apart simple, little things that should be able to be fixed,  
2372 | and it is all five kids over and over and over again. Of  
2373 | course, outside of the situation I would look to the mother,  
2374 | too, and be, like, what is she doing wrong, because kids  
2375 | don't just stay sick like that.

2376 | Mr. SARBANES. It is incredible that you would be asked  
2377 | if you were exaggerating the situation, because when you are

2378 captive like that, the human response is to try to  
2379 under-state it to yourself, because you don't want to be left  
2380 thinking that you are not doing the right thing for your  
2381 children. You mentioned that when you said you were hoping  
2382 for a diagnosis of an allergy so that you would at least not  
2383 have to face the prospect that you were putting your children  
2384 in harm's way for some other reason.

2385 This is the position that you are being put in, and I  
2386 would just say to all of the witnesses: don't let anyone else  
2387 be the experts. Don't let anyone else tell you that you are  
2388 crazy or that you don't understand what is happening in your  
2389 own home with your own family. We are here to respond to  
2390 what you have brought forth.

2391 Thank you, Mr. Chairman.

2392 Chairman WAXMAN. Thank you, Mr. Sarbanes.

2393 Mr. Murphy, you are next, but before I recognize you I  
2394 want to call on Mr. Davis.

2395 Mr. DAVIS OF VIRGINIA. Thank you.

2396 Let me just pick up for one second what Mr. Sarbanes  
2397 observed. I mean, I think in this case, when you take a look  
2398 at what everybody is going to say today--and I rarely defend  
2399 lawyers, but the lawyers, from their perspective, were doing  
2400 their job in protecting the Agency. The people in the field  
2401 were saying we have a problem and sending it up the chain of  
2402 command, and it just kind of all got garbled. Everybody is

2403 | doing their job and nothing happens.

2404 |       We can all sit here and agree that the end result was  
2405 | not the result that we want. We weren't taking care of the  
2406 | people. They forgot the mission, that the duty ultimately  
2407 | isn't to the Agency, it is not to the bureaucracy, it is to  
2408 | the people they serve. But very rarely do you get rewarded  
2409 | for stepping outside that model and stepping over the rules  
2410 | and the regulations or getting outside your assigned place to  
2411 | do that. That starts at the top.

2412 |       We can legislate all we want, but at the end of the day  
2413 | it goes with the leadership, and the mission in this case,  
2414 | with the crisis there after the hurricane, was to serve the  
2415 | people. People were doing their jobs. It didn't work, and  
2416 | it can't happen. That is why your stories here today are so  
2417 | important as we go through.

2418 |       I don't want to point fingers at anybody, except we had  
2419 | a system that just didn't work.

2420 |       Thank you.

2421 |       Chairman WAXMAN. Thank you, Mr. Davis.

2422 |       I just want to comment. The lawyers weren't doing their  
2423 | job. The lawyers' job should have been to get in there and  
2424 | clean it up. That is how you avoid liability. I can't  
2425 | imagine how many lawsuits FEMA is now going to face because  
2426 | they tried to cover up their failure, their shameful failure  
2427 | to do their job.

2428 Mr. Murphy, it is your turn. I know the witnesses are  
2429 anxious to jump in, as well, but I am going to call you next.

2430 Mr. DAVIS OF VIRGINIA. Rarely do I defend lawyers and  
2431 Henry goes after them, so this is kind of the opposite.

2432 [Laughter.]

2433 Mr. MURPHY. Thank you. Thank you, Mr. Chairman.

2434 I got to spend a few days in New Orleans a few months  
2435 ago and got to actually spend a little time in one of the  
2436 trailers with a resident who is there who is desperately  
2437 searching for housing. She was renting before she took a  
2438 trailer. That property is no longer available, and she has a  
2439 story, like thousands of others who are doing everything  
2440 within their power to get back to normal living, whether  
2441 rebuilding their house, repurchasing a new house, re-renting  
2442 again. This problem continues, and may continue for a very  
2443 long time, because it is going to take a long time to rebuild  
2444 not only the housing stock of the people who owned houses,  
2445 but also the thousands of people who rented there who have  
2446 seen the prices go through the roof to make some of that  
2447 rental housing affordable, even if it is still there.

2448 I wanted to touch upon some of the testing that actually  
2449 was done. We have talked a lot about the testing that was  
2450 not done and the fact that FEMA knew. FEMA staff on the  
2451 ground tried several times to get that testing done. The  
2452 reports became so prolific that the Sierra Club stepped in to

2453 do testing, which resulted in the end in results coming back  
2454 showing that there were dangerous levels above those  
2455 recommended by scientific experts.

2456 Ms. DeVany, I wanted to point that question to you,  
2457 because I know you were involved in coming up with the  
2458 protocols that the Sierra Club used, and would ask you just  
2459 to talk a little bit about the advice that you gave them and  
2460 how you believe those tests went.

2461 Ms. DEVANY. I did advise the Sierra Club on methods for  
2462 testing, and, just in general, when we design protocols for  
2463 doing air sampling, we want to catch actual real values. I  
2464 think this goes back to what the chairman said, what Mr.  
2465 Davis said, that not only was FEMA trying to cover up, but  
2466 they engaged other Federal agencies in their cover-up. They  
2467 had the EPA design sampling protocols that were, as an  
2468 industrial hygienist, bizarre. Why would we take empty  
2469 trailers, open them and ventilate them twenty-four hours a  
2470 day three weeks straight and then decide that is how we are  
2471 going to figure out the formaldehyde levels?

2472 Then, in addition to having the EPA design, like I said,  
2473 bizarre protocols, they got two scientists from the  
2474 ATSDR--the Agency for Toxic Substances Registry--and, instead  
2475 of using their own standard of .03 parts per million, these  
2476 scientists changed their level that is so high and causes  
2477 such physiological damage that it actually, at that level,

2478 | the .3 parts per million, causes the bronchi to constrict  
2479 | enough that it restricts airway enough to cause wheezing,  
2480 | asthma, and an emergency situation.

2481 |         That level is the one they chose. Instead of using the  
2482 | safe exposure level, the ATSDR chose a level of concern. And  
2483 | then they analyzed EPA's results using that skewed baseline.

2484 |         Mr. MURPHY. Ms. DeVany--and I see Dr. Needle shaking his  
2485 | head, as well--do you have any opinion as to why they chose  
2486 | that level, despite a number of sources of literature  
2487 | suggesting a much more reasonable standard?

2488 |         Ms. DEVANY. All I can say, in my professional opinion,  
2489 | is that they did this in order to minimize the actual extent  
2490 | of the problems in these trailers. I have no other  
2491 | conclusion I can draw as a scientist analyzing this. And I  
2492 | have done this all my life. I can't believe it was done. I  
2493 | think it was complete violation of our professional code of  
2494 | ethics.

2495 |         Mr. MURPHY. Do you have faith in the results of the  
2496 | Sierra Club trials, given your input into how those were  
2497 | conducted?

2498 |         Ms. DEVANY. There were some problems there, too. I  
2499 | mean, in an ideal situation I would have recorded what the  
2500 | ambient temperatures were, the range during that time, what  
2501 | the humidity levels were, if anyone smoked inside the trailer  
2502 | or not. But, by and large, they were realistic samples of

2503 | what people were being exposed to. They didn't artificially  
2504 | try to elevate them by putting the samples inside cabinets  
2505 | and closing the door. They were pretty realistic, I believe.

2506 |       Mr. MURPHY. Mr. Stewart, you had some experience in the  
2507 | Sierra Club trials, as well. What was your experience with  
2508 | those trials?

2509 |       Mr. STEWART. In my circumstance, in particular, if the  
2510 | test showed anything it was that the test was actually on the  
2511 | low end, because my test was done, as she just stated, not  
2512 | under perfect conditions. My windows were open, the exhaust  
2513 | fan was on, and there was an air purifier, an industrial one,  
2514 | working at the time I did the test. So even at the .22, that  
2515 | was a low ball figure from that standpoint.

2516 |       And then I did walk around and put these in other  
2517 | campers, and I can say that I don't think there were any in  
2518 | the middle of the summer in Mississippi that didn't have the  
2519 | air conditioning on and trying to keep the place cool. So  
2520 | from a humidity standpoint and a temperature standpoint, I  
2521 | think they were relatively common throughout the campers.

2522 |       I did just want to say one thing, if I could.

2523 |       Mr. MURPHY. My time is up.

2524 |       Mr. STEWART. Mr. Sarbanes, I just wanted to say one  
2525 | thing. I think that an organization can be uncaring and  
2526 | incompetent at the same time. I don't think they are  
2527 | mutually exclusive. When you call FEMA and, one, they don't

2528 do anything and, two, they treat you like you are a criminal,  
2529 I think that is a level of incompetence and uncaring together  
2530 at the same time.

2531 Chairman WAXMAN. Thank you, Mr. Murphy. Your time has  
2532 expired.

2533 I want to recognize now our colleague, Mr. Melancon, who  
2534 is not a member of this Committee, but I want to point out  
2535 that he wasn't a member of the Select Committee looking at  
2536 Hurricane Katrina and all the damage that was done, yet he  
2537 spent more time at that Select Committee, put more hours, and  
2538 tried to do what is right for his constituents, and I want to  
2539 commend him for that and ask him now to proceed with his  
2540 question period.

2541 Mr. MELANCON. Thank you, Mr. Chairman, and also Ranking  
2542 Member Davis, who was chairing at that time the Select  
2543 Committee on Katrina. My only regret is that Chairman Davis'  
2544 leaders put a sunset on the Committee at a time when we  
2545 should have been opening up more investigation. But that is  
2546 in the past. Now we are having to start anew.

2547 The people that are here today, Mr. Chairman and other  
2548 Members, first they were devastated by the storm. I would  
2549 guess all of them got screwed by their insurance  
2550 companies--excuse the rash word. Then the Government failed  
2551 to show up, or at least failed to show up in a friendly  
2552 manner to say I am here to try and help you, not here to give

2553 | you anything, I am here to try to give you a helping hand.

2554 | That is what is consistently not happening.

2555 |         The gentlelady a while ago talked about the 52-B and  
2556 | concern for the delivery. Well, that was in September of  
2557 | 2005. At the end of February of 2007, \$52 billion still had  
2558 | not been spent and delivered to the sites along the Gulf  
2559 | Coast. That \$52 billion that was spent didn't get to the  
2560 | people that are sitting at this table. That \$52 billion  
2561 | didn't get to the local governments to put their water  
2562 | systems back up or whatever. You got entire communities in  
2563 | an area that encompasses about the same size as Great Britain  
2564 | that were affected by two storms, two of the most horrendous  
2565 | storms this world has seen, not to speak of that this Country  
2566 | has seen.

2567 |         We talk about the chain of command and the problem you  
2568 | have. I visited with Mr. Paulison about a year ago, I guess  
2569 | it was, Mr. Stanley and I, and I was very excited because I  
2570 | felt like I got somebody that understands and can maybe get  
2571 | this Department straight. I am hoping that the tail didn't  
2572 | start wagging the dog, but we will see where we go there.

2573 |         One of the things that I have seen or feel that I see is  
2574 | departments of Government being run by their attorneys who  
2575 | put the fear of a lawsuit in front of the Secretaries and the  
2576 | administrators instead of saying, Let's figure out how we can  
2577 | get things done, and done right for the good of the people,

2578 | and spend the money wisely.

2579 |       It is really, really frustrating.

2580 |       Mr. Stewart, a while ago you made a comment, and it hit  
2581 | straight home. One of the things that we argue about here in  
2582 | the Congress is housing for the people that were displaced.  
2583 | Everybody wants to get back home. They want to move their  
2584 | families back home. Yet, what did we do as a Government?  
2585 | Every available property that was for rent--and I can attest  
2586 | to this in New Orleans--was occupied by Government  
2587 | contractors or FEMA workers, while the people who wanted to  
2588 | get home, FEMA was trying to put them in trailers and mobile  
2589 | home parks everywhere but where they came from, and it should  
2590 | have been just the opposite. Let those workers commute in to  
2591 | the disaster area to work every day and put the people back  
2592 | where they needed to be.

2593 |       They are still trying to get trailers. We have not only  
2594 | the formaldehyde calls, but we had the problem with getting  
2595 | trailers. I think up in Hope, Arkansas, there are still  
2596 | about 8,000 trailers sitting up there. When somebody said,  
2597 | why do you have all these trailers, well, we decided we would  
2598 | save those for the next disaster.

2599 |       Well, there was a tornado through Arkansas 150 miles  
2600 | away, and the Member of Congress from that District basically  
2601 | had to raise unmitigated hell to get eight trailers over  
2602 | there to help put people back on the ground in the community

2603 | so they could start working. There is no logic to it at all.

2604 |       The chain of command does not exist. I put people in a  
2605 | room from FEMA or ask them to get into a room with local  
2606 | government and contractors and whatever, and they will find a  
2607 | reason. Usually it is, we can't meet with the contractor.  
2608 | Well, why the hell not? Some silly rule? Some attorney?

2609 |       You go to the people. I found when we find somebody in  
2610 | FEMA that tips over the line and says, Let me try and do  
2611 | this, because it will help move you along, they usually are  
2612 | gone within a couple of weeks. There is turnover, and, of  
2613 | course, the excuse is they get weary working down in that  
2614 | disaster area, and so they need to rotate them out. Well,  
2615 | the people are weary, and what they need is some people to  
2616 | stay around there and understand the situation and be as  
2617 | frustrated as them because their Government isn't doing  
2618 | anything for them. Then maybe they would be hollering, but  
2619 | they are afraid they are going to get fired. That is what  
2620 | their problem is.

2621 |       Mr. Chairman, I commend you for opening these hearings  
2622 | back up. I commend all the chairmen of all the committees  
2623 | and the leadership of this House for opening up what is one  
2624 | of the biggest messes that I have witnessed in my entire  
2625 | life.

2626 |       We still have a chance to get it right. I will tell the  
2627 | story real quick before my time is up. I hear a lot of

2628 | people running around about those people, you know, they are  
2629 | always looking for something. I have got a good friend that  
2630 | is a physician. He is about 63, going on 64 years old. He  
2631 | is very comfortable. He has done quite well in his life. He  
2632 | lost his office, everything in it. His practice is over.  
2633 | Lost the hospital. Thank God his daughter, who had a  
2634 | preemie, demanded the hospital take the baby and evacuate it  
2635 | with her; otherwise, that baby would have been one of the  
2636 | casualties.

2637 |         He lost his house, everything in it. He was gone for  
2638 | the usual three days, came back after the storm. Everything.  
2639 | He raised his children, his family in that house. His  
2640 | daughter has gone through a divorce, some of which you can  
2641 | pin mostly on the trauma, the insurance issues, those kind of  
2642 | things. They went to tear down their house, demolish it. All  
2643 | the kids, it was like a funeral.

2644 |         As they tore the house down they got a call that his  
2645 | father-in-law passed away from a heart attack that morning.

2646 |         Now, this is a physician who should recognize that he  
2647 | needs anger management, and he is in depression, or signs of  
2648 | depression, and he doesn't see it but his friends all see it.  
2649 | We are dealing with people that have been jerked around for  
2650 | two and a half years, and it is time we stopped it. If that  
2651 | is the case, Mr. Chairman, it is by the power of the gavel.  
2652 | I commend you for it, and I hope that you and more Members

2653 | will follow through in these areas so we can get to the  
2654 | bottom of this whole mess.

2655 |         Thank you. I am sorry for running over time.

2656 |         Chairman WAXMAN. Thank you very much, Mr. Melancon. I  
2657 | appreciate what you had to say. You are constantly pushing  
2658 | for us to do more.

2659 |         I want to thank this panel. You have been terrific.  
2660 | You have given us your testimony and you have given it with  
2661 | emotion and power, and it is a compelling testimony that each  
2662 | and every one of you has given to us. Thank you so much.

2663 |         Next we will hear from the head of the Federal Emergency  
2664 | Management Agency, but I want to take a five-minute break,  
2665 | and then we will reconvene and go right into Mr. Paulison's  
2666 | testimony.

2667 |         We stand in recess for five minutes.

2668 |         [Recess.]

2669 |         Chairman WAXMAN. Our Committee will now hear from R.  
2670 | David Paulison. Mr. Paulison has served as Acting Director  
2671 | of the Federal Emergency Management Agency since 2005. He  
2672 | was confirmed by the Senate as Director in May, 2006.

2673 |         Mr. Paulison, we want to welcome you to our Committee  
2674 | today and recognize you for your testimony, after which we  
2675 | will have some questions.

2676 | STATEMENT OF R. DAVID PAULISON, ADMINISTRATOR, FEDERAL  
2677 | EMERGENCY MANAGEMENT AGENCY

2678 | STATEMENT OF R. DAVID PAULISON

2679 |         Mr. PAULISON. Thank you, Mr. Chair. I appreciate it  
2680 | very much.

2681 |         Let me say before I even start that I have heard very,  
2682 | very clearly. The reason I sat in this meeting while the  
2683 | other witnesses were testifying, I wanted to hear what they  
2684 | had to say and wanted to hear it personally, and I have heard  
2685 | very clearly some of their issues. If what they are saying  
2686 | is accurate, particularly with the customer service area, I  
2687 | have obviously a lot of work to do in that area and will work  
2688 | on that. But also, for these three particular residents, we  
2689 | will follow up to make sure that we take care of their issues  
2690 | and find out if there are more.

2691 |         As the Administrator of FEMA, I want to assure you and  
2692 | the citizens of our Nation that we are aware. We are aware  
2693 | of the concerns regarding the presence of formaldehyde in  
2694 | FEMA travel trailers and are taking responsible steps to  
2695 | address that as we speak.

2696 |         Chairman WAXMAN. I neglected to swear you in. The part

2697 | you just said you cannot be held for perjury for having said  
2698 | it.

2699 | [Laughter.]

2700 | Chairman WAXMAN. But I would like to ask you to be  
2701 | sworn.

2702 | [Witness sworn.]

2703 | Chairman WAXMAN. Thank you.

2704 | Mr. PAULISON. This part I can be held, right?

2705 | As my written testimony, as you read, explains in  
2706 | greater detail, we have been proactive in reviewing the  
2707 | situation. We have recommended a wide range of actions that  
2708 | reduce health risk and have been working with the experts to  
2709 | better understand the health environment and investigate  
2710 | additional short-and long-term solutions. I wish to make it  
2711 | very clear that the health and safety of residents has been  
2712 | and continues to be our primary concern.

2713 | Following most disasters, those displaced from housing  
2714 | by disaster are able to obtain or are provided with  
2715 | short-term, temporary housing just outside the impacted area,  
2716 | then after a short period they can return to their homes.  
2717 | With the immensity and size of Hurricanes Katrina and Rita,  
2718 | this simply was not possible. Facing an area of devastation  
2719 | roughly the size of Great Britain, FEMA provided over 120,000  
2720 | mobile homes and travel trailers to individuals and families  
2721 | throughout the Gulf Coast area. This was the largest

2722 emergency housing mission in the history of this Nation.

2723         Six months after their initial deployment, FEMA received  
2724 the first complaint of formaldehyde-related odors that we are  
2725 aware of. After a prompt review, FEMA replaced that unit in  
2726 just a few weeks on March 19th. Since that time FEMA has  
2727 documented just over 200 complaints of strange odors,  
2728 including what we think is formaldehyde, and of those  
2729 200--and not to minimize the issue, but just for record--we  
2730 have replaced 58 of those formaldehyde concerns, and five  
2731 more have been placed into rental housing sources once they  
2732 became available.

2733         One thing I want to clearly point out, though, whether  
2734 the number of calls is two or two hundred, I am concerned  
2735 with the potential health implication of formaldehyde in our  
2736 travel trailers and want to better understand and address  
2737 this very complicated issue.

2738         FEMA is working with the Center of Disease Control and  
2739 Prevention, with EPA, working with HHS, working with HUD,  
2740 working with Public Health Service, and also the Department  
2741 of Homeland Security's Office of Health Affairs, and with  
2742 industry partners to help investigate the situation. We know  
2743 that formaldehyde is present in many household products,  
2744 construction materials, and produced by tobacco smoke and gas  
2745 cooking.

2746         Although ventilation and other actions reduce the

2747 | levels, anecdotal experience that we have seen recently,  
2748 | especially from the physicians that you have heard from today  
2749 | and others caring for residents of trailers, has raised  
2750 | questions about the overall indoor quality and/or air quality  
2751 | of travel trailers and the practicality of ventilation  
2752 | advice, especially given the Gulf Coast region in the summer  
2753 | time.

2754 |       As we have gained experience and more knowledge, we have  
2755 | expanded our efforts to research the levels of formaldehyde  
2756 | in the units and their impact on health of all of our  
2757 | residents.

2758 |       Despite 30 years of research and reports on numerous  
2759 | Federal agencies, there is now no existing consensus on safe  
2760 | formaldehyde levels in residential dwellings, so again we are  
2761 | looking to the experts for advice.

2762 |       This June the Department of Homeland Security officials,  
2763 | including FEMA, again met with CDC, the National Center for  
2764 | Environmental Health, the Agency for Toxic Substance and  
2765 | Disease Registry, the National Institute of Occupational  
2766 | Safety and Health, and the National Institute of Standards  
2767 | and Technology. Together, we are beginning both short-and  
2768 | long-term investigations. In fact, FEMA and CDC are  
2769 | scheduled to begin phase one of a study in the Gulf Coast  
2770 | within the next few weeks. In the meantime, FEMA continues  
2771 | to take action through updated trailer purchase

2772 specifications, improving training to FEMA and medical staff  
2773 who respond to complaints, and continued education and  
2774 communication with the residents. We have also increased our  
2775 efforts to move residents out of temporary housing into  
2776 longer-term housing solutions.

2777 FEMA and the entire Department of Homeland Security are  
2778 committed to ensuring that victims of disasters are safe and  
2779 have a healthy place to live during the recovery period. The  
2780 health and safety of the residents is my primary concern.  
2781 This is the concern of everyone involved in researching and  
2782 addressing formaldehyde based issues. We will continue to  
2783 evaluate, communicate, and mitigate the potential risk of  
2784 formaldehyde or any other safety issue in our temporary  
2785 housing units. Together with our Federal and private  
2786 partners, we will work to develop sound best practices for  
2787 reducing formaldehyde exposure in FEMA-provided and temporary  
2788 housing.

2789 Mr. Chair, I do want to thank you for this hearing. I  
2790 look forward to discussing FEMA's recovery efforts with the  
2791 Committee. And, as I talked to you earlier, I hope at the  
2792 end of the day when this is done this Government, perhaps  
2793 with the help of this Committee, can come up with some sound  
2794 standards that we can apply to not only travel trailers and  
2795 mobile homes, but all housing units across this Country.

2796 Again, thank you very much. I am ready to answer any

2797 | questions you might have.

2798 | [Prepared statement of Mr. Paulison follows:]

2799 | \*\*\*\*\* INSERT \*\*\*\*\*

2800 Chairman WAXMAN. Thank you very much, Mr. Paulison.

2801 Without objection, Mr. Davis and I will start off the  
2802 questioning at ten minutes each.

2803 Also without objection I wanted to put a couple of  
2804 documents in the record before I start questioning here.

2805 There is a statement by Paul Nelson, Board Member, South  
2806 Bay Communities Association. I would like his testimony to  
2807 be inserted in the record, as well as testimony by Becky  
2808 Gillette, Vice Chair of Mississippi Chapter of the Sierra  
2809 Club. Without objection, those two documents will be made  
2810 part of the record.

2811 [Prepared statements of Mr. Nelson and Ms. Gillette  
2812 follow:]

2813 \*\*\*\*\* INSERT \*\*\*\*\*

2814 Chairman WAXMAN. Mr. Paulison, if I understand your  
2815 testimony, you seem to be saying that there is nothing you  
2816 can do because there is no official standard for  
2817 formaldehyde? Is that what you are telling us?

2818 Mr. PAULISON. No, sir, I would not say that at all. I  
2819 think there are a lot of things that we can do. But I can  
2820 say that there are no standards to go by, and I hope that we  
2821 can set those standards for this long-term test that we are  
2822 going to do.

2823 What I am saying that we have taken the best evidence  
2824 that we can, the best advice we have so far about airing out  
2825 trailers, trying to reduce the levels of formaldehyde.

2826 We know now and we did not know earlier that that is not  
2827 going to be sufficient during the summer time, particularly,  
2828 in the Gulf Coast area when the heat is there. You can't  
2829 open the windows and run the air conditioner at the same  
2830 time. It is simply not going to work.

2831 Chairman WAXMAN. Mr. Paulison, for over a year and a  
2832 half displaced residents of the Gulf Coast have been telling  
2833 FEMA that formaldehyde in their trailers has been making them  
2834 sick. One hundred and twenty thousand families have stayed  
2835 in these trailers. There are approximately 76,000 trailers  
2836 in use in Alabama, Louisiana, Mississippi, and Texas, and,  
2837 despite all this time and the obvious importance of this  
2838 issue, the documents that you provided to our Committee

2839 | indicate that FEMA has only tested one occupied trailer, and  
2840 | that is a trailer in Baxterville, Mississippi. It belonged  
2841 | to a pregnant woman, Dawn Sistrunk, and her husband, Carlton  
2842 | Sistrunk, who had a four month old child. The trailer was  
2843 | tested only because of their unusual persistence.

2844 |       I want to show you a chart. It will be on the screen.  
2845 | The left-hand bar of the chart is in green, and that is the  
2846 | guideline set by the National Institute for Occupational  
2847 | Safety and Health, or NIOSH, for eight hours of exposure in a  
2848 | workplace setting. That is 0.16 parts per million. If an  
2849 | employee, according to NIOSH, is subject to levels of  
2850 | formaldehyde greater than that, NIOSH recommends the employee  
2851 | use a respirator.

2852 |       The next bar is a yellow one, and that is NIOSH's  
2853 | ceiling for 15 minutes of exposure. They recommend that  
2854 | workers only be exposed to formaldehyde at levels as high as  
2855 | .1 parts per million for no more than 15 minutes.

2856 |       EPA has identified .1 parts per million as the level at  
2857 | which acute health effects can occur.

2858 |       The next two bars are standards set by the Occupational  
2859 | Safety and Health Administration, and if workers are exposed  
2860 | to formaldehyde levels above .5 parts per million, exposure  
2861 | monitoring and medical surveillance is required. The same  
2862 | standards also provide that worker exposure be limited to .75  
2863 | parts per million over an eight-hour period.

2864 |       These are the old standards. These were set when  
2865 | President Bush's father was President.

2866 |       The next bar is an orange bar. It is EPA's acute  
2867 | exposure guideline level, which is designed to guide  
2868 | emergency responders in understanding the risks from a  
2869 | one-time exposure such as might occur after a chemical spill.

2870 |       The EPA guidelines for formaldehyde states that a one-time  
2871 | exposure to formaldehyde at levels of .9 parts per million  
2872 | should not lead to irreversible harm.

2873 |       And then we come to the last bar on the chart, and this  
2874 | bar represents the 1.2 parts per million level of  
2875 | formaldehyde that was monitored in the bedroom of the  
2876 | Sistrunk's trailer on April 5, 2006. This level is 75 times  
2877 | higher than the level that NIOSH recommends that workers not  
2878 | be exposed to.

2879 |       I have a statement I put in the record from the  
2880 | Sistrunks that they reported all kinds of problems, including  
2881 | headaches, watering eyes, irritated throats. Their doctor  
2882 | told them the problem was due to formaldehyde.

2883 |       Now, do you think that the formaldehyde level that they  
2884 | were exposed to was safe?

2885 |       Mr. PAULISON. Mr. Chairman, I am not an expert in  
2886 | formaldehyde and I am not going to attempt to even address  
2887 | that. I can tell you that we recognize that we have an  
2888 | issue. We know that very clearly the answer to this is to get

2889 | people out of these mobile homes and out of these travel  
2890 | trailers as quickly as possible. We are--

2891 | Chairman WAXMAN. Well let me tell you what FEMA said in  
2892 | response to this level of formaldehyde. FEMA and industry  
2893 | experts--this is your Agency said this, I am quoting--''FEMA  
2894 | and industry experts have evaluated the small number of cases  
2895 | where odors of formaldehyde have been reported, and we are  
2896 | confident that there is no ongoing risk.''

2897 | Mr. Paulison, how can you justify that statement that  
2898 | was put out by your agency? You tested only one occupied  
2899 | trailer. You found levels 75 times higher than safe. And  
2900 | then FEMA comes out and tells the public, ''We are confident  
2901 | there is no ongoing risk.''. FEMA's statement that there is  
2902 | no ongoing risk was false. A level of 1.2 parts per million  
2903 | is not safe, and this is 75 times higher than what NIOSH  
2904 | would say.

2905 | There is only one reasonable way to respond to testing  
2906 | results like this, and that is to take the issue seriously,  
2907 | immediately conduct systematic testing of all these trailers  
2908 | to find out how widespread the problem was. That is exactly  
2909 | what your field staff recommended. They said the problem  
2910 | needs to be fixed today and that FEMA needs a proactive  
2911 | approach. They said there is an immediate need for testing.  
2912 | But you didn't do testing from FEMA. Why?

2913 | Mr. PAULISON. We did do testing. We tested new trailers

2914 | that were locked up to see what the level was when we  
2915 | received the trailers, and did, once we ventilated those, did  
2916 | ventilation work to reduce the amount of formaldehyde. The  
2917 | answer was yes. However, like I said in my statement, we are  
2918 | recognizing that in the summer time that is not going to be  
2919 | reasonable to do that.

2920 |         So we are taking this very seriously. We are doing the  
2921 | testing. We are starting in just a couple of weeks to do  
2922 | some short-term testing. We want to take what the Sierra  
2923 | Club did--which, by the way, was a wake-up call for us to  
2924 | receive that report that we have something more than just an  
2925 | individual, isolated case. We recognize that we may have  
2926 | something much larger than isolated cases.

2927 |         Chairman WAXMAN. Mr. Paulison--

2928 |         Mr. PAULISON. So we are going to expand what the Sierra  
2929 | Club did, doing much more scientific--

2930 |         Chairman WAXMAN. Mr. Paulison, I am going to interrupt  
2931 | you. You got a wake-up call? You must be a very hard  
2932 | sleeper, because that wake-up call was over a year ago, and  
2933 | FEMA did no further testing. After you received these  
2934 | results, your attorneys put out a statement through e-mails  
2935 | that implied that FEMA is going to own this issue if you do  
2936 | testing. That shows a complete indifference to the welfare  
2937 | of the families living in these FEMA trailers, because no  
2938 | testing was done and your lawyers said if you do testing you

2939 | may start owning the problem. What do you make of that?

2940 |       Mr. PAULISON. The attorneys are hired for a particular  
2941 | reason, and they are there to protect from litigation;  
2942 | however, the Department did not stop dealing with the  
2943 | formaldehyde issue, regardless of what our attorneys said.  
2944 | We were going--

2945 |       Chairman WAXMAN. Did you test any other occupied  
2946 | trailers?

2947 |       Mr. PAULISON. We did not test occupied trailers.

2948 |       Chairman WAXMAN. So you tested--

2949 |       Mr. PAULISON. We went along with the advice that we  
2950 | received from EPA--

2951 |       Chairman WAXMAN. And your lawyers?

2952 |       Mr. PAULISON. No, sir. And CDC, if I can finish my  
2953 | sentence, please, and CDC that if we ventilated the trailers  
2954 | that would reduce the formaldehyde issue.

2955 |       My concern is--

2956 |       Chairman WAXMAN. Did you test to see whether it did  
2957 | reduce the formaldehyde levels?

2958 |       Mr. PAULISON. It did in our testing on the empty  
2959 | trailers.

2960 |       Chairman WAXMAN. On the empty trailers where the fan was  
2961 | going, where the windows were open, where the air  
2962 | conditioning was running 24 hours a day? What about where  
2963 | people were living?

2964 Mr. PAULISON. Mr. Chair, we were not formaldehyde  
2965 experts. We were taking this as it went along, as this thing  
2966 developed and got larger and larger. We recognize now that  
2967 we have an issue. We are dealing with it in the best manner  
2968 we can. Again, the alternative--

2969 Chairman WAXMAN. EPA told you the following: ``The 14  
2970 day exposure maximum may be .03 parts per million, and the  
2971 one year level may top out at .008 parts per million. The  
2972 levels we find after testing may well be more than 100 times  
2973 higher than the base levels.'' If you are relying on EPA,  
2974 they were telling you this was a problem, as well.

2975 Mr. PAULISON. I am telling you, in hindsight we could  
2976 have moved faster. I am telling you now we recognize we have  
2977 a problem. We recognize we have an issue. We are not even  
2978 sure if it is formaldehyde that is causing the problem. That  
2979 is why I have asked CDC to test for not only formaldehyde, I  
2980 want them to test for airborne bacteria, I want them to test  
2981 for mold, I want to test for mildew. I want to look at the  
2982 different trailer manufacturers.

2983 If your attorney would sit down let me finish, we want  
2984 to test for everything out there. I want to test the  
2985 different trailer sites. I want to test the different  
2986 manufacturers. I want to find out very clearly what the  
2987 issue is and where the problem is and what we can do about  
2988 it.

2989           Again, the answer is to get people out of the travel  
2990 trailers. We have never had this type of--

2991           Chairman WAXMAN. Mr. Paulison, the staff a year and a  
2992 half ago said you should be testing the occupied trailers.  
2993 The testing didn't take place. Your lawyer sent an e-mail  
2994 saying if you test them you may take ownership of it. You  
2995 said you didn't follow the advice of your lawyers. You said  
2996 you followed what EPA had to say. EPA's statement is that  
2997 the levels that they were seeing were too high for human  
2998 health.

2999           Now, there may be other problems, but you don't think,  
3000 even at this date, that the formaldehyde levels were too high  
3001 and might have endangered public health? Is that your  
3002 testimony?

3003           Mr. PAULISON. No, sir. What I am trying to tell you is  
3004 we simply did not have a grasp of the situation at the time.  
3005 As it went on, we are getting a better grasp of the  
3006 situation. We are advising people what to do. We are telling  
3007 them numerous issues. I am telling you where we are moving  
3008 forward with this organization. You can criticize me for  
3009 what we did or didn't do, but I am telling you we understand  
3010 there is an issue, I do care about the residents of these  
3011 trailers. I will--

3012           Chairman WAXMAN. You think my criticism is unfair?

3013           Mr. PAULISON. Pardon?

3014 Chairman WAXMAN. Do you think my criticism is unfair?

3015 Mr. PAULISON. I think it is because we are looking at  
3016 things in hindsight and not how they were at the time. We  
3017 are now recognizing, as we have all along, that we do have an  
3018 issue, and we are going to deal with it. We have--

3019 Chairman WAXMAN. Mr. Paulison--

3020 Mr. PAULISON. We are moving--

3021 Chairman WAXMAN. Yes, I know you are telling me what you  
3022 are going to do, but your own staff said what you should have  
3023 done a year and a half ago. That is not hindsight. You  
3024 didn't have the foresight to listen to your own staff, but  
3025 you did have the wrong judgment to listen to the bad advice  
3026 of your lawyers.

3027 My time has expired and I am going to recognize Mr.  
3028 Davis for his time to question you.

3029 Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman.

3030 Mr. Paulison, your testimony indicates there are  
3031 approximately 200 known complaints about formaldehyde, but  
3032 data you provided shows you have over 60,000 trailers still  
3033 in use?

3034 Mr. PAULISON. Yes, sir.

3035 Mr. DAVIS OF VIRGINIA. How many units did you actually  
3036 deploy for Katrina and Rita?

3037 Mr. PAULISON. We had a little over 120,000 between  
3038 Katrina and Rita.

3039 Mr. DAVIS OF VIRGINIA. What is your trade-out policy? In  
3040 other words, if someone were to complain, don't you still  
3041 have trailers sitting there in Arkansas somewhere?

3042 Mr. PAULISON. Yes, sir. We do have a large trailer base  
3043 in Arkansas. If we have a formaldehyde complaint and we go  
3044 out to the trailer and talk to the people expressing those  
3045 symptoms, we offer to exchange that trailer out, and we will  
3046 do that. In some cases we have changed trailers out twice.  
3047 We try to bring in a used trailer that has been off-gassed  
3048 for a long period of time. We clean it up and bring it in  
3049 and change that out.

3050 In some cases, where it still has not worked, we have  
3051 put people in apartments.

3052 One of the issues is about 80 percent of that 60,000  
3053 that are in travel trailers are actually backed up in  
3054 people's driveways while they are rebuilding their homes.  
3055 Those people do not want to move. The other 20 percent are  
3056 people in the group sites. We are focusing in getting those  
3057 people out of those group sites because there is not  
3058 necessarily a plan in place that they have where they can  
3059 move out.

3060 We know the answer is to get people out of these.  
3061 Again, this was the largest emergency housing effort the  
3062 Country has ever done. We have never had an opportunity to  
3063 keep these numbers of people in travel trailers that we have

3064 | used for 20 years in situations like this, so this was  
3065 | something new for FEMA to deal with.

3066 |         In hindsight, maybe we could have moved faster. We are  
3067 | moving about 600 to 800 families a week out of travel  
3068 | trailers into apartments.

3069 |         Mr. DAVIS OF VIRGINIA. But you heard the previous panel  
3070 | and the stories that they endured. Why didn't you just give  
3071 | them a new trailer? It is pretty clear they had a problem.

3072 |         Mr. PAULISON. These three, I don't know why they had the  
3073 | troubles they did. We will look into that.

3074 |         Mr. DAVIS OF VIRGINIA. They think, in retrospect, after  
3075 | hearing the testimony, you should have just given them a new  
3076 | trailer?

3077 |         Mr. PAULISON. They should have been dealt with with much  
3078 | more respect, from what I heard, and I will find out why that  
3079 | happened. That is obviously a customer service issue. The  
3080 | philosophy of this organization is to treat people with  
3081 | respect and give them the respect that they deserve and to  
3082 | take care of their needs as quickly as we can.

3083 |         Mr. DAVIS OF VIRGINIA. Well, it sounds like some of the  
3084 | people on the ground understood that, because they said we  
3085 | have a problem, they got the complaints, they filtered it up,  
3086 | but it sounds like that has not infiltrated in the General  
3087 | Counsel's office.

3088 |         Mr. PAULISON. The General Counsel does not set policy

3089 | for this organization. They do give advice to us. They do  
3090 | deal with litigation issues. I set policy for the  
3091 | organization.

3092 |         Mr. DAVIS OF VIRGINIA. But you did follow their advice,  
3093 | in terms of some of the documents that have been produced.  
3094 | They stonewalled us, as Mr. Waxman noted, until the end.  
3095 | That comes out of the General Counsel's office. I mean, I  
3096 | think they need some adult supervision over there, because I  
3097 | think they have lost any customer service aspect of this. I  
3098 | think they are just hard-line attorneys.

3099 |         We are really here trying to solve the same problem.

3100 |         Mr. PAULISON. Yes, sir.

3101 |         Mr. DAVIS OF VIRGINIA. We have done numerous hearings on  
3102 | where FEMA is. We will have to do another one, I think, on  
3103 | what we are doing to prepare for next year.

3104 |         I understand the General Counsel has a bent that they  
3105 | are trying to protect the Agency and everything else, but  
3106 | they need to understand, in a case like this, you are first  
3107 | of all a customer service organization, so instead of saying  
3108 | we are going to delay this, we are going to cover this up,  
3109 | they ought to be looking at ways to get the job done.

3110 |         As I have looked at the documents and e-mails--and I  
3111 | think Mr. Waxman agrees--that wasn't the direction they were  
3112 | going at all.

3113 |         Mr. PAULISON. That might not have been the direction the

3114 attorneys were going in, but that definitely was not the  
3115 direction that the organization was heading. The  
3116 organization was progressing down the road as this thing  
3117 progressed to stay up with it and find out what the problems  
3118 were. We felt like we were dealing with it in the best  
3119 manner that we could.

3120 Mr. DAVIS OF VIRGINIA. Can you tell us why there wasn't  
3121 a telephone number on the brochure that was given to trailer  
3122 occupants so if there was a formaldehyde problem or some  
3123 other problem they could call a central clearinghouse?

3124 Mr. PAULISON. Yes, sir. There are 27 different  
3125 maintenance groups that take care of these trailers. It is  
3126 posted in every trailer. We want the people to call that  
3127 number, and not a general number that would not be able to  
3128 deal with their problem. It would not make sense to put a  
3129 number on the brochure when the residents are advised and  
3130 told when they have a problem with the trailer to call that  
3131 maintenance number. That system works pretty well.

3132 Mr. DAVIS OF VIRGINIA. All right.

3133 Let me just get back to the General Counsel's office a  
3134 minute. I mean, this hearing wasn't on the calendar until  
3135 the middle of last week. It was a direct response to FEMA's  
3136 production of documents made last Monday, July 9th. FEMA  
3137 withheld documents citing attorney/client privilege and the  
3138 work product doctrine, but in the face of subpoena the

3139 | documents were produced. As has been noted, they tell an  
3140 | unfavorable story.

3141 | All of our staff tells us the documents were arguably  
3142 | not privileged. For these privileges to be recognized--and  
3143 | they are not applicable to Congress, by the way--you must  
3144 | carefully and methodically lay out a case. If you claim  
3145 | attorney/client privilege, you need to produce a privilege  
3146 | log. You need to produce redacted information. You need to  
3147 | write us a narrative articulating the potential harm to the  
3148 | United States if the privileged materials are disclosed.

3149 | Your lawyers didn't do any of this: no privilege log, no  
3150 | narrative articulating the harm, no redacted documents. They  
3151 | didn't even put date numbers on the pages. Were you involved  
3152 | in any of the decision-making about this legal strategy?

3153 | Mr. PAULISON. No, sir. My philosophy is to run a very  
3154 | open organization, and I want to personally apologize to the  
3155 | Committee for you not getting the documents you wanted in a  
3156 | timely manner nor in the method that you needed them. We  
3157 | have since turned over, I think, pretty much everything you  
3158 | have asked for, but you should have gotten it when you asked  
3159 | for it the first time.

3160 | Mr. DAVIS OF VIRGINIA. Yes. Let me just go through it  
3161 | again. The legal strategy with regard to the so-called  
3162 | privileged documents ended up doing you in. Your lawyers  
3163 | complained about privilege, and then, when it was time to

3164 | show your cards, there was nothing there. You were just  
3165 | hiding all the smoking guns. Things might have been  
3166 | different if you had come up with the materials to begin  
3167 | with.

3168 |         Wouldn't you agree, Mr. Waxman?

3169 |         This should be a message to other agencies out there  
3170 | where we see some of the same things. By drawing so much  
3171 | attention to them, you essentially placed a gigantic  
3172 | spotlight in the worst possible place.

3173 |         Now, I guess the question this Committee has to ask, is  
3174 | this a FEMA problem? Is this a DHS problem? Or do you think  
3175 | it is a Government-wide problem?

3176 |         Mr. PAULISON. I don't know that I can answer that. I  
3177 | can tell you that my philosophy is to, when the Committee  
3178 | needs to do an investigation, to give you every document that  
3179 | we can legally give you in a timely manner. That did not  
3180 | happen in this case. Again, my personal apologies for that.  
3181 | We will work to make sure that does not happen again.

3182 |         Mr. DAVIS OF VIRGINIA. Now, Mr. Paulison, you are  
3183 | neither a doctor nor a scientist nor is FEMA a medical or a  
3184 | scientific agency. How are you qualified to assess the  
3185 | health risks from formaldehyde or recommend strategies to  
3186 | address the issues?

3187 |         Mr. PAULISON. You are correct. I don't have that  
3188 | expertise. Thirty years as a paramedic, but that doesn't

3189 | give me a background in formaldehyde issues. We lean on the  
3190 | advice of our experts. That is why I am going to all of  
3191 | these different agencies, not just one, working with the ones  
3192 | that I laid out earlier--with CDC, with EPA, with HHS, with  
3193 | HUD, with everyone who deals with these types of issues--to  
3194 | give us very clear advice and we can make some sound  
3195 | decisions.

3196 |         Yes, in hindsight we could have moved quicker than we  
3197 | did; however, we do recognize we have a problem. I do  
3198 | recognize it is something we need to move very quickly on.  
3199 | That is what we are going to do.

3200 |         I want to find out what the extent of the problem is,  
3201 | but at the end of the day I also want to be able to come up  
3202 | with something this Country has never done, and set some  
3203 | good, solid standards down that we can use for future mobile  
3204 | homes and future travel trailers so we don't have this  
3205 | problem in the future.

3206 |         Mr. DAVIS OF VIRGINIA. Now, your agency has been using  
3207 | travel trailers and mobile homes for as long as people can  
3208 | remember, haven't they?

3209 |         Mr. PAULISON. Yes, sir.

3210 |         Mr. DAVIS OF VIRGINIA. Has this issue ever come up  
3211 | before on this scale?

3212 |         Mr. PAULISON. Not that I am aware of.

3213 |         Mr. DAVIS OF VIRGINIA. Do you have any historic

3214 | knowledge in the Agency so that you can see if this has  
3215 | happened--

3216 |         Mr. PAULISON. I have asked several people inside the  
3217 | Agency have we had this problem before, and nobody can  
3218 | remember of any. We are going to go back and search our  
3219 | records to see, but as far as anecdotal, nobody that I have  
3220 | talked to recalls anything like this before.

3221 |         But also we have not had this number of people in travel  
3222 | trailers for this amount of time, so these problems that are  
3223 | cropping up are obviously things we have to deal with, but it  
3224 | is not something we had any experience with.

3225 |         Mr. DAVIS OF VIRGINIA. Do you think they were because of  
3226 | the number and the rapid production, that maybe something was  
3227 | lost in that? Where do you think it came from?

3228 |         Mr. PAULISON. That I don't know, and that is what we  
3229 | need to find out. We need to find out why we have an issue,  
3230 | is it the travel trailers, is it the fact that they had  
3231 | flooding. Again, we don't know what the real problem is. I  
3232 | mean, my gut feeling is--I can't go by gut feelings, based on  
3233 | what happened with the Secretary--there is an issue inside  
3234 | the trailers, but I don't know whether it is formaldehyde or  
3235 | mold or bacteria or whatever it is. That is what the CDC is  
3236 | going to tell us.

3237 |         Mr. DAVIS OF VIRGINIA. You are not positive at this  
3238 | point? You are waiting for the CDC to say if it is

3239 formaldehyde or from another source, but you are working with  
3240 CDC to resolve it?

3241 Mr. PAULISON. Yes, sir. But in the meantime, if people  
3242 are having problems we are going to be much more aggressive  
3243 as far as trading these trailers out and trying to find--we  
3244 are working very hard to try to find housing for people.  
3245 There simply is not enough housing in the State of Louisiana  
3246 or Mississippi to move these people into. The ones that are  
3247 backed up into their driveway rebuilding their house don't  
3248 want to leave the State and go somewhere else; they want to  
3249 be where their homes are, where their jobs are, where their  
3250 friends are, something they are familiar with.

3251 And we are trying desperately, as apartments come back  
3252 online, to move people out of those travel trailers into  
3253 apartments, because we know that is the real answer. They  
3254 should not be in these little, tiny travel trailers this  
3255 long. It is not a good place to live. We recognize that.  
3256 But that was the only tool that FEMA had in its quiver to be  
3257 able to get people some decent housing on the ground very  
3258 quickly, and that is where we are.

3259 Mr. DAVIS OF VIRGINIA. Mr. Chairman, we have seen a  
3260 number of e-mails that, again, just show the lawyers were  
3261 reluctant to move forward on testing. Liability seemed to be  
3262 their chief concern, not customer service. Any sophisticated  
3263 organization needs to factor in liability concerns when

3264 | responding to a crisis. I was a General Counsel. I  
3265 | understand that. But at the end of the day isn't it better,  
3266 | from a liability standpoint, as Mr. Waxman said, to be  
3267 | aggressive for the health and safety of the people that FEMA  
3268 | houses? If it turns out to be a manufacture problem or  
3269 | caused by some other external entity other than the U.S.  
3270 | Government, aren't we better positioned if we aggressively  
3271 | minimize the negative health effects? I think that was your  
3272 | point, Mr. Waxman.

3273 |         Mr. PAULISON. The answer is obviously yes. I mean, the  
3274 | easiest way to deal with litigation is to deal with the  
3275 | problem, and that is what we want to do.

3276 |         Mr. DAVIS OF VIRGINIA. Okay. Thank you.

3277 |         Chairman WAXMAN. Thank you, Mr. Davis.

3278 |         Mr. Paulison, you said in hindsight you wished you would  
3279 | have gotten the materials to us earlier, even though your  
3280 | people were trying to hide behind an attorney/client  
3281 | privilege excuse not to give it to us, and you apologized to  
3282 | us for the delay. You also didn't get your testimony in 48  
3283 | hours in advance. We got it in last night after 8:00. You  
3284 | apologized to the Committee. Do you think you owe an  
3285 | apology, in hindsight, to the people who have been suffering  
3286 | illnesses because of formaldehyde in your trailers that were  
3287 | not tested by FEMA?

3288 |         Mr. PAULISON. Sir, I don't know that that would resolve

3289 | the answer. I feel very, very badly for the people that are  
3290 | becoming sick. I don't know 100 percent for sure it is the  
3291 | trailers. I mean, it very well may be. We made what we felt  
3292 | were very prudent decisions along the way. Could we have  
3293 | made different decisions in hindsight? Obviously, the answer  
3294 | is yes. But, again, it is a problem we have never dealt with  
3295 | before. It is an issue where we thought we were moving along  
3296 | with good advice. You know, we all look back on decisions we  
3297 | made, and if we had a chance to redo some of them we would do  
3298 | that.

3299 | Chairman WAXMAN. Thank you.

3300 | Ms. Watson?

3301 | Ms. WATSON. Thank you so much, Mr. Chairman.

3302 | Mr. Paulison, thank you for your patience.

3303 | In a direct response to one of our Members who asked you  
3304 | about your General Counsel, you said the attorneys don't set  
3305 | policy, I set policy. So let me see where you would go with  
3306 | setting a policy by addressing these questions.

3307 | Would you agree that formaldehyde can be harmful to  
3308 | one's health?

3309 | Mr. PAULISON. That is what medical experts tell me. I  
3310 | don't have personal knowledge of that, obviously. I don't  
3311 | have that type of training.

3312 | Ms. WATSON. Would you agree--

3313 | Mr. PAULISON. Everything I--

3314 Ms. WATSON. Yes? No?

3315 Mr. PAULISON. Everything that I read says that long-time  
3316 exposure to formaldehyde can cause medical problems.

3317 Ms. WATSON. Would you agree?

3318 Mr. PAULISON. Yes. What I just said is what I agree to,  
3319 that everything that I have read and everything that I have  
3320 been told is--

3321 Ms. WATSON. No. Just answer my question. Do you agree?  
3322 Yes? No?

3323 Mr. PAULISON. I stand on my answer I just gave you.

3324 Ms. WATSON. Would you agree that formaldehyde can be  
3325 harmful to one's health? Yes? No?

3326 Mr. PAULISON. I don't know the 100 percent answer to  
3327 that, Congresswoman. I am trying to be very respectful. I  
3328 am saying that what I have been told is the answer is yes,  
3329 that long-term exposure to formaldehyde could cause medical  
3330 problems.

3331 Ms. WATSON. I can tell you scientifically it does, and  
3332 all you have to do is go and be tested for formaldehyde  
3333 exposure. Maybe that will make you a believer. So you are  
3334 not so sure yourself? That is what I am getting out of your  
3335 response, because I asked you for a yes or no and you gave me  
3336 a lot of other verbiage, so I will take that answer as not  
3337 being sure.

3338 Mr. PAULISON. Ma'am, I am not trying to say that. You

3339 | know, you are asking me to--

3340 |       Ms. WATSON. No. I asked you do you--

3341 |       Mr. PAULISON. You are asking me to give you a medical  
3342 | opinion, and I am not qualified to do that. I am telling you  
3343 | what I have been told: that long-term exposure to  
3344 | formaldehyde can cause medical problems. I heard what you  
3345 | said earlier.

3346 |       Ms. WATSON. But you are not sure? Okay. So if you say  
3347 | that long-term exposure as, I guess, provided by someone  
3348 | else, would you then take your contaminated stock out of your  
3349 | inventory?

3350 |       Mr. PAULISON. The answer is yes. If we have stock that  
3351 | we cannot get rid of the formaldehyde in or reduce it to  
3352 | acceptable levels, then we should not be using it.

3353 |       Ms. WATSON. Well, I can tell you this: it is a substance  
3354 | that is in the building materials, and if that substance is  
3355 | there, that is the cause of the health conditions of the  
3356 | people who are living in there. I mean, it doesn't air out  
3357 | for years. As long as it is there, it is going to cause a  
3358 | problem to health.

3359 |       Knowing that, would you then remove those trailers?  
3360 | Now, I understand there are millions of dollars in FEMA that  
3361 | has not gone to benefit many of the victims, and so can you  
3362 | get rid of your stock that is in question and replace that  
3363 | stock that has no formaldehyde in it?

3364 Mr. PAULISON. We are getting ready to do some very  
3365 significant testing of the travel trailers that are being  
3366 occupied under some very tough conditions, ones that have  
3367 been cooking in, smoking in, all the types of things that  
3368 cause formaldehyde--

3369 Ms. WATSON. Let me just interrupt you from that  
3370 explanation. If you find the presence of formaldehyde, would  
3371 you take those trailers out of your inventory?

3372 Mr. PAULISON. Yes. If we find trailers that have  
3373 unacceptable--formaldehyde is everywhere. You can't get rid  
3374 of it. But if we find some unacceptable levels of  
3375 formaldehyde we cannot mitigate, we will trade those trailers  
3376 out.

3377 Ms. WATSON. That is the point I am getting to. Let me  
3378 restate my question. If you find there is formaldehyde in  
3379 the building parts of the trailers, would you take those  
3380 trailers out? Or are you looking for a certain level of  
3381 formaldehyde?

3382 Mr. PAULISON. I think we would be looking for a certain  
3383 level. There is probably formaldehyde in this room. There  
3384 is formaldehyde in your clothes. My permanent press shirt  
3385 has formaldehyde in it. It is everywhere. Our body produces  
3386 formaldehyde, from what my people tell me. If you--

3387 Ms. WATSON. Mr. Paulison, excuse me. My time is up.

3388 Mr. PAULISON. I am sorry.

3389 Ms. WATSON. My time is up, and I am going to give it  
3390 back to the Chair. But I can just say that if you have  
3391 humans inside of your trailers, I would think you would err  
3392 on behalf of the human condition and take those trailers out  
3393 of your inventory. You can test them later. But we do know  
3394 that formaldehyde, almost any dosage, has an impact on one's  
3395 health. I would hope that you, as the policy-maker, would  
3396 see that all of your stock that might have trailers in it  
3397 would be free of formaldehyde.

3398 Thank you, Mr. Chairman.

3399 Chairman WAXMAN. Thank you, Ms. Watson.

3400 Mr. Platts?

3401 Mr. PLATTS. Thank you, Mr. Chairman.

3402 Mr. Administrator, thanks for your testimony.

3403 Certainly, while we have concerns about inadequate response  
3404 of your Agency on this issue, we appreciate your efforts and  
3405 your staff at all levels in trying to do right by their  
3406 fellow citizens.

3407 I do have a couple of questions that are, I guess,  
3408 follow-ups, one on the health question that the previous  
3409 speaker addressed with you. I appreciate you are not an  
3410 expert and that, based on what you have been informed--

3411 Mr. PAULISON. Can you speak up? I wear a hearing aid  
3412 and I can hardly hear you. Sorry.

3413 Mr. PLATTS. Let me try to speak more into the

3414 microphone.

3415 Mr. PAULISON. Too many sirens and air horns. Sorry.

3416 Mr. PLATTS. In response to the gentlelady's questions  
3417 regarding exposure to formaldehyde, you said, based on what  
3418 you have been told by experts and have read and been  
3419 informed, that long-term exposure to formaldehyde can be  
3420 harmful to your health?

3421 Mr. PAULISON. That is correct. It could be harmful to  
3422 your health. Yes, sir.

3423 Mr. PLATTS. You also, I think, have been told that even  
3424 short-term high exposure can be harmful to your health, as  
3425 well?

3426 Mr. PAULISON. Yes, sir.

3427 Mr. PLATTS. And I think that is part of the issue here,  
3428 and the testing that has been done, and the Chairman's,  
3429 different standards is at different levels for different  
3430 level of exposure. How long you are exposed impacts how high  
3431 or low that level is before it is of concern, and that is  
3432 your understanding, as well?

3433 Mr. PAULISON. I'm sorry? Could you repeat that again?

3434 Mr. PLATTS. Depending on how long you are exposed and  
3435 what level would impact whether it is a health risk?

3436 Mr. PAULISON. Again, that is my understanding.

3437 Mr. PLATTS. Okay. You have acknowledged that the  
3438 testing conditions under which your Agency moved forward are

3439 | now inadequate and unrealistic, especially for the summer  
3440 | months. Is there at least some acknowledgment that that  
3441 | should have been understood up front, that it seems  
3442 | unrealistic, the approaches taken, and that the testing, if  
3443 | it was going to be in unoccupied trailers, at least should  
3444 | have been under normal conditions that could have been  
3445 | expected?

3446 |         Mr. PAULISON. I think in hindsight, you know, you can  
3447 | always say yes. Again, I think this Agency made the best  
3448 | decisions it could with the information that it had. Looking  
3449 | in hindsight, should we have started testing individual  
3450 | trailers back in January or an earlier time, you know,  
3451 | working out issues with the CDC trying to define the problem?  
3452 | You know, you can always say yes.

3453 |         Mr. PLATTS. Now, when those conditions were set for that  
3454 | testing, because by what has been shared with us it seems  
3455 | very much the case that the General Counsel's office was  
3456 | clearly what you stated about avoiding litigation. I would  
3457 | say about avoiding possible liability. If I heard your  
3458 | statement right, you said attorneys are hired for a  
3459 | particular reason, to protect against litigation. I was an  
3460 | attorney. I don't believe that is why attorneys should be  
3461 | hired. They are hired to give counsel what the law is so  
3462 | that policy-makers comply with the law, not to avoid  
3463 | litigation.

3464 Mr. PAULISON. And I didn't mean to narrowly define it.  
3465 All the other issues you said are correct, also. It is all  
3466 of those type of things. It could be good legal advice, but  
3467 they also work, just like any attorney does, whether  
3468 corporation--but, again, they don't set policy for me. They  
3469 were not giving me direction not to do testing. We were  
3470 making decisions we thought were prudent at the time. We did  
3471 test trailers that were new to see did they come with  
3472 formaldehyde. The answer was yes.

3473 And could we do something about it? At that time the  
3474 answer was yes. But now we know that we have to do something  
3475 different than we have done in the past. Just like we are  
3476 rebuilding this organization after I took over after Katrina,  
3477 a lot of problems. A lot of cultural problems. A lot of  
3478 systemic problems. We are in the process of fixing those.  
3479 This is one of those things we have never dealt with before.  
3480 We may not have dealt with it in the best manner we could  
3481 have, but now we learned from that and we are going to do  
3482 that.

3483 Mr. PLATTS. I am going to run out of time here. I  
3484 appreciate this effort of rebuilding and getting it right.  
3485 One piece of advice I would share is that if you have a  
3486 liability at hand and there is litigation and yes, it is  
3487 better for all parties if you can settle it, as opposed to  
3488 going to court in a long, drawn-out court case, but their

3489 duty is not to avoid litigation in any sense, in other words,  
3490 liability, and that they would be reminded of what their duty  
3491 is.

3492 But a specific question is: regarding those testing  
3493 conditions, was the General Counsel's office consulted or  
3494 legal counsel consulted in any fashion in how the conditions  
3495 were set regarding the testing that was done?

3496 Mr. PAULISON. No, sir, not that I am aware of at all. We  
3497 wanted to do the right thing. We thought we were doing the  
3498 right thing at the time.

3499 Mr. PLATTS. I want to get into quickly a specific case.  
3500 Mr. Stewart, who testified earlier, clearly his case was  
3501 mishandled by many, including right down to when supposedly,  
3502 based on his testimony, at least 15 FEMA personnel were on  
3503 site, yet those 15 people couldn't see that they delivered a  
3504 trailer that was wholly unacceptable, bugs in the bed, the  
3505 septic system apparently not working.

3506 As you go forward, I hope, as you stated in your  
3507 testimony, you are going to look at those three cases  
3508 specifically and follow up with them.

3509 What happened that 15 or more FEMA personnel were on  
3510 site and yet delivered an unacceptable trailer? And what  
3511 consequences occurred? In other words, was anyone  
3512 reprimanded, disciplined in any way for such failure of  
3513 service to someone in need?

3514 I do appreciate that you are trying to get it right, and  
3515 hindsight is a lot easier, but one of the aspects of  
3516 hindsight is making sure that there are consequences for  
3517 wrongful action, not where there is good faith and something  
3518 just went wrong, but when there is just failure of good  
3519 diligence. In that case, if the facts that he shared are  
3520 anywhere close to accurate, there was a significant failure  
3521 of good service, and there should be a consequence for that.

3522 Mr. PAULISON. And I am going to look very carefully at  
3523 all three of these cases from a customer service perspective.  
3524 I need to find out was his statement accurate. I'm sure with  
3525 15 people there I am sure I can find out, and we will  
3526 investigate that.

3527 We want to provide the best customer service we can.  
3528 The philosophy of this organization that I put in place since  
3529 I have been here is that the victim comes first, above  
3530 everything else that we do, and that is what we want to do.  
3531 And if that has not happened in these particular three  
3532 cases--there may be more, according to Congressman Jindal,  
3533 who is doing a great job, by the way, down there--then that  
3534 is where I need to work on also.

3535 Mr. PLATTS. Thank you.

3536 Mr. PAULISON. Along with getting ready for hurricane  
3537 season.

3538 Mr. PLATTS. Thank you again for your testimony and your

3539 service.

3540 I yield back, Mr. Chairman.

3541 Chairman WAXMAN. The gentleman's time has expired.

3542 Mr. Cummings?

3543 Mr. CUMMINGS. Thank you very much, Mr. Chairman.

3544 Administrator, I have got to tell you I would feel a lot  
3545 better if you agreed to do the following. Again, I want to  
3546 go back to what one of the witnesses said. He said there is  
3547 a sense of helplessness and hopelessness.

3548 Let me tell you what you need to do. You have got  
3549 people who may not even know they are in trouble that are  
3550 living in these trailers right now. What I would like for  
3551 you to do, Mr. Administrator, is put the word out and say  
3552 that if you suspect, if you are having vomiting, you are  
3553 having all the things, to all these people who are in the  
3554 trailers, let us know and we are going to address your  
3555 problem. That is what I would like to see you do.

3556 Mr. PAULISON. I will do that.

3557 Mr. CUMMINGS. All right. Good. We are going to hold  
3558 you to it.

3559 Mr. PAULISON. I will do that.

3560 Mr. CUMMINGS. Because I just you feel that there are  
3561 people in jeopardy right now, and you don't know how much  
3562 better I feel about that because of the next line of  
3563 questioning.

3564           The documents show that several occupants have died  
3565 while living in FEMA trailers, and that there were concerns  
3566 that formaldehyde could have caused the deaths.  Sadly, one  
3567 of the occupants passed away just last week.  On each  
3568 occasion, FEMA was made aware that formaldehyde may have been  
3569 a factor, and on each occasion nothing was apparently done.

3570           Mr. Paulison, please turn to Exhibit M.  This is an  
3571 internal FEMA e-mail from June 27, 2006.  I am going to read  
3572 it so that we all can hear it.  It says, ``A FEMA applicant  
3573 was found dead in his trailer at St. Tammany earlier today.  
3574 We do not have autopsy results yet, but he had apparently  
3575 told his neighbor in the past that he was afraid to use his  
3576 A/C because he thought it would make the formaldehyde worse.  
3577 It may not have anything to do with formaldehyde, but I agree  
3578 with Mark that we need to deal with this head on.''

3579           On the following day this issue was raised again.  If we  
3580 turn to Exhibit N, you can see in this e-mail that FEMA was  
3581 committing to testing the trailer in order to better  
3582 understand the reason for the fatality.  The e-mail reads,  
3583 ``There was a death yesterday in a travel trailer in Slidell  
3584 blamed on sensitivity to formaldehyde.  Ratcliff got together  
3585 a conference call with CDC, FEMA, Environmental Protection  
3586 Agency, housing and safety.  We will monitor the trailer in  
3587 question as soon as we get access to it.''

3588           There were twenty-eight officials from six agencies on

3589 | the conference call. They recommended that FEMA take six  
3590 | actions. These actions included: determining the cause of  
3591 | death; sampling the air in the trailer; requesting the  
3592 | Consumer Product Safety Commission to vet FEMA trailers  
3593 | against the industry standard; and identifying an  
3594 | independent, non-governmental agency to conduct tests of  
3595 | indoor air quality and evaluate these policies. This is  
3596 | Exhibit O, page three.

3597 |         These were sensible recommendations. Do you know  
3598 | whether they were implemented, any of them?

3599 |         Mr. PAULISON. No, sir. I am not familiar with the  
3600 | conference call and I don't know whether they were  
3601 | implemented or not.

3602 |         Mr. CUMMINGS. Okay.

3603 |         Mr. PAULISON. I do know that the cause of death of the  
3604 | particular person--and our hearts really go out to the  
3605 | families. My father died from emphysema, so I know that lung  
3606 | disease is very difficult--is up to the medical examiner and  
3607 | the physicians to tell us the cause of death, so we should  
3608 | not even get into that at all.

3609 |         I don't know if any of these things were implemented,  
3610 | but I will find out and report back to the Committee on that.

3611 |         Mr. CUMMINGS. Well, the Committee asked for every  
3612 | document that FEMA had about formaldehyde. We searched and  
3613 | searched for evidence that FEMA followed up on this death, as

3614 | the Agency had recommended, and we could find none. Instead,  
3615 | we found an e-mail from a FEMA lawyer that called the  
3616 | recommendations ``not acceptable'' and told FEMA not to do  
3617 | anything. That is very interesting.

3618 |         Mr. PAULISON. Again, I was not aware of this particular  
3619 | conference call, but I will follow up.

3620 |         Mr. CUMMINGS. I am so glad that Mr. Waxman scheduled the  
3621 | hearing, the witnesses the way he did, because usually people  
3622 | like you come first and then the other witnesses, the  
3623 | victims, come second. But earlier you were here to hear the  
3624 | testimony and Mr. Cooper stated a very interesting question.  
3625 | He was talking about a study that found 1.2 PPMs of  
3626 | formaldehyde, I think it is, in a bunk area. Did you hear  
3627 | that question?

3628 |         Mr. PAULISON. Yes, sir, I did.

3629 |         Mr. CUMMINGS. And he said he wondered whether  
3630 | administrators or anybody would allow their child to sleep in  
3631 | such circumstances. Would you allow yours?

3632 |         Mr. PAULISON. The answer is no. I can give you a  
3633 | straight answer.

3634 |         Mr. CUMMINGS. All right.

3635 |         Mr. PAULISON. That test was taken with a closed-up  
3636 | trailer with the air conditioners off, and probably was not  
3637 | conducive to what was really happening under actual living  
3638 | conditions. However, if I give you an answer, the answer

3639 | would be no.

3640 |       Mr. CUMMINGS. Thank you. Mr. Paulison, just last but  
3641 | not least, because you said something that is very, very  
3642 | important and I want to make sure the record is abundantly  
3643 | clear. You are going to put out a notice to all of these  
3644 | people--and correct me if I am wrong--who are in these travel  
3645 | trailers letting them know of all of these things that people  
3646 | complain of that are natural, usually the things that people  
3647 | complain of with formaldehyde, letting them know that there  
3648 | is a way that they can contact somebody to have this thing  
3649 | checked into so that we will not have victims sitting there  
3650 | helpless, hopeless, and uniformed.

3651 |       I know your lawyers--and I am a lawyer--are worrying  
3652 | about your liability and everything, but let me tell you  
3653 | something: at the rate we are going, if we have got tens of  
3654 | thousands of people sitting in these trailers, we are going  
3655 | to have a problem. So you are committing to us today that  
3656 | you are going to put that word out? And that when these  
3657 | people call, they will be calling somebody?

3658 |       Mr. PAULISON. Yes, sir.

3659 |       Mr. CUMMINGS. Thank you.

3660 |       Mr. PAULISON. I have committed to do that and I will do  
3661 | that, and I will give you a copy of the notice that we send  
3662 | out.

3663 |       Mr. CUMMINGS. I thank you very much.

3664 Mr. PAULISON. Yes, sir.

3665 Chairman WAXMAN. Thank you, Mr. Cummings.

3666 Ms. Norton?

3667 Ms. NORTON. Thank you very much, Mr. Chairman.

3668 Mr. Paulison, I guess you say my goodness, what goes  
3669 around comes around, because you are now meeting me in the  
3670 third Committee in which I serve, my own Subcommittee, which  
3671 has primary jurisdiction over FEMA, the Homeland Security  
3672 Committee, which has jurisdiction for Homeland Security  
3673 purposes, and the Oversight Committee, which always has  
3674 oversight over Government operations.

3675 Do you recall that the formaldehyde story first broke  
3676 many weeks ago when you came before me on another subject  
3677 altogether, and at that time, because it had literally just  
3678 broken, I asked you about the formaldehyde, and do you recall  
3679 saying that there was no danger and that you had been told  
3680 that what people should do is open the windows?

3681 Mr. PAULISON. That is correct.

3682 Ms. NORTON. Where did you get that advice from, sir?

3683 Mr. PAULISON. I got that advice from the EPA and CDC,  
3684 that if we could air out the trailers that it would off-gas  
3685 the formaldehyde. That was information we had that--

3686 Ms. NORTON. What would they say about that advice today?

3687 Mr. PAULISON. What we are saying now is, given it is  
3688 summer time in the Gulf Coast--

3689 Ms. NORTON. It was summer time then.

3690 Mr. PAULISON.--that probably is not a practical  
3691 solution. Again, you know, we talked about this earlier. We  
3692 made the best decisions we could with the information we had.  
3693 This is something new for us.

3694 Ms. NORTON. Well, you testified under oath that people  
3695 should air out their windows, but let me take you back to a  
3696 year earlier in July where we now, as a result of papers  
3697 obtained by this Subcommittee, learned of a memorandum that  
3698 you, yourself, wrote to Secretary Chertoff concerning the  
3699 status of current litigation. I am going to quote from that  
3700 memorandum. ``FEMA's overall level of exposure for damages  
3701 is low. Individual plaintiffs, in order to succeed, bear the  
3702 burden of proof and must establish specific harm and damages.  
3703 Based on the limited information known so far, this is likely  
3704 to be a very high threshold for them to meet.''

3705 It is true that the burden is on whoever sues, but who  
3706 advised you that the threshold would be difficult to meet a  
3707 year before this matter came to the light of the Congress or  
3708 the press?

3709 Mr. PAULISON. Congresswoman, I really don't recall. That  
3710 is an honest answer. I don't recall who gave me that advice.

3711 Ms. NORTON. Well, we have a document that says that, one  
3712 month prior to this memorandum, that a FEMA employee had  
3713 stated that your own General Counsel--here I am quoting again

3714 | from your own internal documents--''General Counsel has not  
3715 | wanted FEMA to test to determine if formaldehyde levels are,  
3716 | in fact, unsafe.''

3717 |       Of course, there has been other evidence produced in  
3718 | this hearing that indicates that FEMA intentionally did not  
3719 | test trailers in order to avoid liability. How do you  
3720 | respond?

3721 |       Mr. PAULISON. That is not accurate. That is not my  
3722 | philosophy at all. We were making what we thought were good  
3723 | decisions at the time. We recognize now that we are going to  
3724 | go test it in real, live conditions with--

3725 |       Ms. NORTON. Let me just say--

3726 |       Mr. PAULISON.--with people living in those trailers.

3727 |       Ms. NORTON. Mr. Paulison, just let me advise you, you  
3728 | need to get other, better lawyers. Let me advise you, as a  
3729 | lawyer, you have increased your liability. You are always in  
3730 | a tough situation when, in fact, you may be sued. I am not  
3731 | sitting here to say you must incriminate yourself. What I am  
3732 | saying is that you must mitigate your liability and you must  
3733 | make sure that you are not indicating that there is no  
3734 | liability and you don't need to do anything.

3735 |       Now, I believe that you have increased your liability  
3736 | because I believe plaintiffs may be able to show you knew or  
3737 | should have known, and therefore to have purposefully not  
3738 | mitigated the situation for them may have put you in more hot

3739 | water than you would otherwise have been. You need very good  
3740 | lawyers when you face this situation; instead, you had people  
3741 | who were acting stupidly defensively. You must defend  
3742 | yourself. No one said the Government must come forward and  
3743 | say whatever you say is the case. The burden is on whoever  
3744 | sues. But, particularly for a public official, the burden is  
3745 | on you to show that, when you knew or should have known, you  
3746 | mitigated the problem by testing or doing whatever you had to  
3747 | do. You can test, as you know, under the law, without that  
3748 | being held against you. When you begin to mitigate, the  
3749 | plaintiff cannot say therefore you must be guilty.

3750 |         You have testified here that the answer--and I am  
3751 | paraphrasing--is really to get rid of these trailers. Mr.  
3752 | Paulison, we had a hearing on getting rid of these trailers  
3753 | and we tried to do it the right way. We called before us and  
3754 | you at the same time the dealers, and we learned at that time  
3755 | that if you dump trailers, particularly since most of these  
3756 | dealers are in small towns where that is the only industry,  
3757 | you have so many trailers. Yet, you testified here today I  
3758 | think that you had 20,000 trailers still. If this is a  
3759 | question of old trailers, I have to ask you: what are you  
3760 | doing to offload the trailers, to not have a situation like  
3761 | we had in Oklahoma where we couldn't get trailers, even  
3762 | though they needed them from you, and to reduce this  
3763 | inventory of trailers so that we are not faced with people

3764 | living in formaldehyde-ridden trailers? When are we going to  
3765 | offload these trailers without dumping? What progress have  
3766 | you made in doing that?

3767 | Mr. PAULISON. The comments that I made here were not  
3768 | related to getting rid of trailers, but moving people out of  
3769 | the trailers. When I said we are getting--

3770 | Ms. NORTON. Into brand new trailers?

3771 | Mr. PAULISON. Pardon?

3772 | Ms. NORTON. Into brand new trailers?

3773 | Mr. PAULISON. Moving people out of trailers into  
3774 | apartments. That is what I meant when I was talking about  
3775 | here about moving people out, about getting rid of the  
3776 | trailers, getting them out of the trailers--

3777 | Ms. NORTON. When are you going to get rid of the  
3778 | inventory of trailers which we now know some of which may  
3779 | have formaldehyde in them?

3780 | Mr. PAULISON. All travel trailers have formaldehyde in  
3781 | them. You know, we are excessing them through GSA. Some of  
3782 | the residents who have those trailers, 20,000-some have asked  
3783 | us if they can have those trailers. It is obvious that we  
3784 | are going to have to at least post something in those  
3785 | trailers to let them know up front that there is potential  
3786 | for formaldehyde.

3787 | Again, we are learning a lot, and your questions are  
3788 | right on target. We are learning a lot about travel trailers

3789 and mobile homes, that they are not designed to stay in for  
3790 the amount of time that people are in these things. They are  
3791 meant to go camping in. But, again, when FEMA made the  
3792 decision to start using these, that is the only tool they had  
3793 in their toolbox to get people housed in a very quick manner,  
3794 and it seemed reasonable at the time. And it works very well  
3795 when you back it up in somebody's driveway where they are  
3796 rebuilding a house. It does not work well with the group  
3797 sites. They should be mobile homes or something else.

3798 Chairman WAXMAN. The gentlelady's time has expired.

3799 Mr. PAULISON. And I know I am taking too much time, but  
3800 I think this is important. I am sorry, Mr. Chair. We are  
3801 working with HUD to find a better way to house people after a  
3802 disaster, and it is not continuously to put them in travel  
3803 trailers.

3804 Chairman WAXMAN. Thank you, Ms. Norton.

3805 Mr. Sarbanes?

3806 Mr. SARBANES. Thank you, Mr. Chairman.

3807 There is a lot of talk about the lawyers and whether  
3808 lawyers did the right thing or did the wrong thing. I am a  
3809 lawyer, too. I guess all the lawyers are left here on the  
3810 Committee. There is a period before the lawyers get into  
3811 something which is an opportunity to fix it, which just has  
3812 to do with the way an Agency or anybody reacts to a  
3813 situation, to some kind of notice that there is a problem.

3814 | If you move with some kind of reasonable speed to address the  
3815 | issue, you can preempt things from going to the next stage.

3816 |         The way this seemed to work is you missed the initial  
3817 | response opportunity, then you got into the stage where the  
3818 | lawyers' advice maybe became an influence over the Agency's  
3819 | action, and then, of course, the last stage is always  
3820 | hearings in front of Congress, which you could have preempted  
3821 | if you had done the first response properly.

3822 |         I am still, like I think everybody on the Committee,  
3823 | trying to get my head around how little testing has been done  
3824 | relative to the complaints and the information that seemed to  
3825 | come forward. I know you have probably been asked this  
3826 | question about a dozen times and answered it, but if you  
3827 | could just do it for me: why did the Agency not conduct more  
3828 | testing in response to the complaints that were coming  
3829 | forward?

3830 |         Mr. PAULISON. First of all, we do have a time line of  
3831 | everything we have done from the first time we recognized we  
3832 | had an issue with one trailer, which was in March of 2006,  
3833 | and what we have done almost every month since then trying to  
3834 | find out how big the program is and what we are doing, so I  
3835 | can give this to you also.

3836 |         We did test trailers. We tested what we thought was the  
3837 | right thing to do, considering we had a very, very small  
3838 | amount of complaints. That was taking trailers that were

3839 brand new that had been locked up in the sun, testing for  
3840 formaldehyde--and yes, they did have formaldehyde--and what  
3841 happens when you aired them out, as we were advised to do by  
3842 the formaldehyde and disease control experts. Did it reduce  
3843 the formaldehyde down to a lower level, and the answer was  
3844 yes, it did.

3845 That was very quickly. We sent out a notice on--  
3846 Mr. SARBANES. Let me jump in and ask this question.

3847 Mr. PAULISON. We sent out notices to all the residents  
3848 that, very quickly, it was in July, which is just a few  
3849 months after we had the first test. We sent a notice to  
3850 every resident in those travel trailers that there was  
3851 potential formaldehyde, and here is how you mitigate it. At  
3852 that time, we thought that was all we needed to do to resolve  
3853 this issue.

3854 You know, now we are going to go back and do some very  
3855 significant testing. Sierra Club did some basic testing. We  
3856 are going to expand that far beyond what they did. The  
3857 doctor that spoke here earlier, those symptoms he was seeing,  
3858 we have had CDC talk to him to get information from him. We  
3859 are taking all this information to make some good, solid  
3860 decisions.

3861 Mr. SARBANES. The science that we got earlier on the  
3862 earlier panel suggested that the point at which you can smell  
3863 the formaldehyde represents a level of elevation well beyond

3864 | what is acceptable, with the statements being that there is  
3865 | going to be a whole set of exposures below that level where  
3866 | you can actually smell it that are also harmful. So would  
3867 | you agree that the fact that you had what you are referring  
3868 | to as a relatively small number of complaints isn't  
3869 | necessarily relevant to how significant the problem could be?  
3870 | Would you agree with that?

3871 |         Mr. PAULISON. What I said in my testimony was that,  
3872 | regardless of whether we had two complaints or two hundred  
3873 | complaints, which is what we have right now--200 out of  
3874 | 120,000--it doesn't matter. We are going to move on with  
3875 | some very significant testing. So just because we had a few  
3876 | doesn't mean we are not going to--at that time we didn't  
3877 | think we had a big problem. We really didn't. We thought  
3878 | the off-gassing, ventilating--that was the advice that we  
3879 | were getting at the time.

3880 |         Again, I know you weren't here earlier, but in hindsight  
3881 | could we have made different decisions with what we know now?  
3882 | Yes, the answer is of course yes. But at the time we thought  
3883 | we were making the right decisions that protected the  
3884 | residents and didn't cause an upheaval and upsetting people's  
3885 | lives again by trying to move them somewhere else. And I  
3886 | don't know where we would have moved them to begin with.

3887 |         Mr. SARBANES. What was the administrative decision not  
3888 | to test? I understand we talked about sort of the influence

3889 of the lawyers on decisions not to test, but who decided  
3890 early on that testing was not needed?

3891 Mr. PAULISON. We are not experts in formaldehyde. I  
3892 mean, this is something brand new for us. We thought that by  
3893 off-gassing, by the advice we were getting to ventilate the  
3894 travel trailers, and what we saw with the new travel  
3895 trailers, that that was a good decision and that would take  
3896 care of the formaldehyde problem. In fact, after that the  
3897 complaints did drop off a little bit. However, recognizing  
3898 that that is not going to work in the middle of July and  
3899 summer in the Gulf Coast, that we have to do something  
3900 different, and we are not going to be able to reduce those  
3901 levels of formaldehyde, if it is even formaldehyde that is  
3902 causing the problem. We are just assuming that it is.

3903 I have asked CDC to test for airborne bacteria. I have  
3904 asked them to test for mold. I have asked them to test for  
3905 mildew, along with the formaldehyde, to find out exactly what  
3906 is causing the respiratory problems. Is it the trailer? Is  
3907 it a certain manufacturer? Is it a certain style? Is it a  
3908 certain part? You know, we don't have those answers yet, but  
3909 I can have those in very short time, and that is what we are  
3910 going to do to get some good, solid answers for these people  
3911 living in these things.

3912 Mr. SARBANES. Mr. Chairman, I yield back. I guess all  
3913 the answers that we are going to get are answers that the

3914 | Agency could have gotten earlier using just a minimum amount  
3915 | of diligence in my view. Thank you.

3916 | Chairman WAXMAN. Thank you, Mr. Sarbanes.

3917 | Mr. Jindal?

3918 | Mr. JINDAL. Thank you, Mr. Chairman.

3919 | I thank the chief. I have got several points I want to  
3920 | share, Chief. If we do another round of questions I will  
3921 | give you time to expound on some of these things, but I have  
3922 | got several things I want to share.

3923 | I hope my colleagues understand why, for some of us in  
3924 | the Gulf Coast, for some in Louisiana, it is sometimes scary  
3925 | to hear somebody say they are from FEMA and here to help. I  
3926 | don't say that as a personal attack. I want to share with  
3927 | you my frustration.

3928 | You know, we started off. You talk about addressing  
3929 | these three cases. I am glad Mr. Stewart actually  
3930 | communicated with me he has got pictures of the trailer that  
3931 | was brought. You have got the testimony of the 15. He has  
3932 | actually got pictures to share. I want you to know those  
3933 | weren't isolated cases. My office took phone calls from  
3934 | constituents I described in the last round of testimony where  
3935 | they couldn't get help. They were told they needed medical  
3936 | documentation. They were told the medical symptoms weren't  
3937 | true. They were actually told by FEMA officials that this  
3938 | wasn't happening, what they knew was happening to them and to

3939 | their families.

3940 |       I won't repeat some of the heart-breaking cases. I will  
3941 | mention one. We had a constituent who literally only had one  
3942 | lung, decided it was safer to move back into a moldy  
3943 | residence than to stay in a FEMA-provided trailer, wasn't  
3944 | offered an alternative, because of the formaldehyde.

3945 |       I do want to make five other points.

3946 |       CBS News actually did a report that they found an  
3947 | internal document where FEMA was warning their inspectors  
3948 | about the potential cancer risk by being exposed to fumes, to  
3949 | formaldehyde fumes. These are for the inspectors. What  
3950 | about the people that have to live there day in, day out?  
3951 | What about the people whose kids have to sleep in those  
3952 | trailers?

3953 |       The third thing I want to share our frustration with is  
3954 | back in August of 2006 FEMA indicated that they were going to  
3955 | do some testing. They were going to partner with EPA and the  
3956 | CDC. They told the Committee this. But we find in the  
3957 | e-mails and documents that were given to this Committee in  
3958 | July, in this month, that the actual testing didn't happen  
3959 | until after the lawsuits were filed. It just appears from  
3960 | the e-mails that it was more of a concern with the publicity  
3961 | with the lawsuits, rather than the health and the well-being  
3962 | of the people being housed in those trailers.

3963 |       The fourth thing I want to share with you in terms of

3964 | frustration, you know, we heard in the previous panel and you  
3965 | have said it, it is obviously better to get people out of  
3966 | trailers into permanent housing. That would be, obviously,  
3967 | the best solution.

3968 | Louisiana applied for alternative housing pilot program  
3969 | project. This Congress gave \$400 million in June of 2006 for  
3970 | the so-called Katrina cottages. In December of 2006 the  
3971 | Department announced the grant recipients in Louisiana and  
3972 | Mississippi. You approved the Mississippi funding in April.  
3973 | As of July, 200 days since you selected the awards, you still  
3974 | haven't approved funding for Louisiana's permanent housing  
3975 | project. So I agree with you, permanent housing is certainly  
3976 | preferable. Here is something that can be done right away to  
3977 | at least begin helping hundreds of families.

3978 | My fifth point is that--and this has been mentioned by  
3979 | the Chairman and others--when you look at the testing, a  
3980 | contractor working with the CDC said that the way the test  
3981 | protocols used by FEMA to test these trailers, doing them  
3982 | after they were completely ventilated, really appeared to be  
3983 | skewed to yield atypical results. I am glad to hear that you  
3984 | are now open to doing the testing of the trailers in the way  
3985 | they are actually used. I wish that had happened months ago.  
3986 | But we have heard that the testing actually appeared to have  
3987 | been designed to allow the best test results to be achieved.

3988 | That really brings me to my last point, because I do not

3989 | want to just show my frustration but I also want to point  
3990 | where do we go from here, and there are three things  
3991 | certainly I would like the Agency to do. Certainly I am glad  
3992 | to hear that you are committed to doing more systematic  
3993 | testing to determine how large of a problem is this, how many  
3994 | people are potentially impacted.

3995 |         Secondly, I would hope that for anybody at risk, anybody  
3996 | living in one of these trailers that continues to have some  
3997 | risk to their health, an alternative housing arrangement  
3998 | would be arranged, whether it is permanent housing, whether,  
3999 | as you mentioned, apartments, whether it is a more suitable  
4000 | trailer.

4001 |         Third, the people that have been exposed, I hope they  
4002 | will be provided with the appropriate medical monitoring and  
4003 | medical services. We are talking about a carcinogen. In  
4004 | addition to the cases that have been mentioned, with the  
4005 | Chairman's permission I want to submit for the record some  
4006 | news reports. In Baton Rouge there was a case of a woman who  
4007 | has died from cancer. They haven't determined conclusively  
4008 | that it was due to the formaldehyde, but she had actually  
4009 | sued. She had started a lawsuit thinking she had been  
4010 | exposed to formaldehyde. She has now died from cancer.

4011 |         With the Chairman's permission, I would like to submit  
4012 | those news reports for the record.

4013 |         Chairman WAXMAN. Without objection, we will receive them

4014 | for the record.

4015 | [The information follows:]

4016 | \*\*\*\*\* INSERT \*\*\*\*\*

4017 Mr. JINDAL. And I do suspect my time is running out, but  
4018 I hope you understand the level of our frustration. You may  
4019 have heard me say in the earlier panel that it is almost like  
4020 there were three disasters. There was the storm, there was  
4021 the failure of the levees, and now there has been the  
4022 Government incompetence.

4023 Again, my point is not to yell at you, but my point is  
4024 to say we have got to fix this, not only for Mr. Stewart and  
4025 the other two witnesses, but for all those families. Let's  
4026 give them better housing. Let's give them the health care  
4027 they need to make sure we don't have anybody else suffering  
4028 unnecessarily from asthma, from cancer, from respiratory  
4029 illnesses. Let's at least make sure, going forward, that we  
4030 are not subjecting these people to these fumes after they  
4031 have already been through so much.

4032 Mr. PAULISON. Congressman, thank you. I appreciate your  
4033 comments. I meant what I said earlier. I appreciate your  
4034 leadership down there, and I do want to work with your  
4035 office. If you are getting complaints that FEMA is not  
4036 providing that customer service that I want down there, I  
4037 would surely appreciate your sharing those with me personally  
4038 so I can deal. These three I am going to deal with. It  
4039 sounds to me like, according to what you are saying, there  
4040 may be others, and I want to get on top of those and deal  
4041 with them.

4042 Chairman WAXMAN. The gentleman's time has expired.  
4043 The Chair recognizes himself for a second round.  
4044 Mr. Paulison, I am pleased you want to respond when you  
4045 get a complaint from a Congressman. I am pleased you want to  
4046 respond to the witnesses today who came before the Congress.  
4047 But I think you have got to respond to the American people  
4048 why we are in the situation we are in. For those who are  
4049 listening to this hearing or watching it, they think  
4050 Government bureaucracy can't do anything right.

4051 I come from Los Angeles, and FEMA acted so well, so  
4052 professionally when we had our earthquake. FEMA became a  
4053 laughing-stock when your predecessor, Michael Brown, was the  
4054 head of it and Katrina hit, because there was no competence  
4055 in dealing with that terrible tragedy. But you are now the  
4056 head of FEMA. You were confirmed by the Senate in April of  
4057 2006. The problems with these FEMA trailers occurred around  
4058 March, 2006, when we first started hearing about it. So this  
4059 is all on your watch.

4060 On May 16, 2007, CBS aired an interview in which you  
4061 stated you did not know that FEMA trailers were causing  
4062 occupants to get sick. We have a clip. I want to run that  
4063 clip for you of this interview.

4064 [Video shown.]

4065 Chairman WAXMAN. Mr. Paulison, we have reviewed nearly  
4066 5,000 pages of FEMA documents, and they are full of alarms

4067 | about the level of formaldehyde in these FEMA trailers, and  
4068 | the staff, your staff, said there was an immediate need to  
4069 | take action. There was an independent testing done by the  
4070 | Sierra Club, and they found over 80 percent of the trailers  
4071 | had dangerous levels of formaldehyde. That was a year ago.

4072 |       It is hard for me to believe that you could not know as  
4073 | of May this year that there were no serious problems or that  
4074 | there were serious problems for families living in these  
4075 | trailers. It appears to me that FEMA deliberately did not  
4076 | want to know.

4077 |       Mr. PAULISON. No, sir--

4078 |       Chairman WAXMAN. Am I wrong?

4079 |       Mr. PAULISON. That is not accurate at all, sir. First  
4080 | of all, the reporter ambushed me coming out of one of these  
4081 | hearings, and what he was talking about was the pediatrician  
4082 | that spoke here earlier and the children that he was seeing  
4083 | with more respiratory illnesses. Even with our doctors  
4084 | talking to him directly, what he told our doctors from  
4085 | Homeland Security, that if it was formaldehyde or was it  
4086 | bacteria in the air or was it mold or mildew, he was just  
4087 | seeing more respiratory problems. That is the answer I gave  
4088 | to the reporter. I don't know what is causing it. I am not  
4089 | a medical doctor. That is what I was trying to get across.

4090 |       Chairman WAXMAN. Okay. Well, I just think that the  
4091 | public was appalled by the incompetence of FEMA after

4092 Hurricane Katrina, but when I look at your record regarding  
4093 formaldehyde in FEMA trailers I see the same indifference,  
4094 lack of concern, and incompetence.

4095 I want to raise another issue with you. We have another  
4096 clip. This was on May 15, 2007. You testified before the  
4097 Committee on Homeland Security. Could we run that clip?

4098 [Video shown.]

4099 Chairman WAXMAN. Well, your statement was not based on  
4100 an ambush. You were testifying, and your testimony was you  
4101 weren't sure that formaldehyde does present a health hazard,  
4102 and you turned to EPA and others. And, according to the  
4103 documents, EPA told FEMA ``the levels we find after testing  
4104 may well be more than 100 times higher than the health base  
4105 level.''

4106 You didn't do the testing, but after EPA told your staff  
4107 that testing under real-world conditions would expose  
4108 problems you changed the protocol. FEMA decided to test with  
4109 the windows open, fans running, under unrealistic conditions.

4110 I can't understand why you changed the testing protocol  
4111 about what was really happening to people. Can you give us  
4112 an explanation of that?

4113 Mr. PAULISON. That test was done to see if we could  
4114 reduce the level of formaldehyde in the trailers by opening  
4115 them up and ventilating them out. It went along with the  
4116 original test where we tested new trailers closed up in the

4117 | sun. Yes, they had a lot of formaldehyde. Could we do  
4118 | another test with the advice we were given to ventilate the  
4119 | trailers and open them up and let them air out and off-gas  
4120 | the formaldehyde. That, sir, was not a test to say yes, we  
4121 | don't have formaldehyde. We knew we had formaldehyde. They  
4122 | said could we do that, and based on that test we advised the  
4123 | residents, we sent notices out to all of the residents to air  
4124 | their trailers out if they are sensitive to formaldehyde, if  
4125 | it is causing a problem, open the windows, air it out, and  
4126 | off-gas that formaldehyde out of the trailer.

4127 |       Again, Congressman, I do appreciate this hearing. It is  
4128 | the right thing to do. I think we ought to come up with some  
4129 | good answers at the end of the day. We made the best  
4130 | decisions we could at the time. In retrospect? There is no  
4131 | question in retrospect we could have done things differently  
4132 | had we had the information we have now.

4133 |       Chairman WAXMAN. Well, I guess I am questioning whether  
4134 | you did make the best decisions with the--

4135 |       Mr. PAULISON. I understand that.

4136 |       Chairman WAXMAN.--with the information you had, because  
4137 | it seems to me you had red flags all over the place. But,  
4138 | despite that, on May 17, 2006, the FEMA national spokesman  
4139 | made the following statement: ``FEMA and industry experts  
4140 | have evaluated the small number of cases where odors of  
4141 | formaldehyde have been reported, and we are confident that

4142 | there is no ongoing risk.''' Why was FEMA confident that  
4143 | there was no risk? How could FEMA make a statement like that  
4144 | in May of 2006 when you were hearing all these reports about  
4145 | people getting sick?

4146 |       Mr. PAULISON. Again, I don't know when this statement  
4147 | was made as far as--

4148 |       Chairman WAXMAN. It was made in May of 2006.

4149 |       Mr. PAULISON. Again, I don't know what the relationship  
4150 | to that statement was, and I suspect it might have been made  
4151 | to the fact that we felt--again, I am surmising now--we might  
4152 | have felt that by ventilating the trailers and off-gassing  
4153 | the formaldehyde that there was no risk to the trailers. I  
4154 | don't want to second guess what somebody was saying or why  
4155 | they said it.

4156 |       Chairman WAXMAN. Well, that somebody worked for you.

4157 |       Mr. PAULISON. Yes, sir, I understand.

4158 |       Chairman WAXMAN. And spoke on behalf of your Agency.

4159 |       Mr. PAULISON. I understand.

4160 |       Chairman WAXMAN. Where does the responsibility for  
4161 | running your agency stop?

4162 |       Mr. PAULISON. It stops with me, sir.

4163 |       Chairman WAXMAN. Okay.

4164 |       I want to recognize any other Members who want a second  
4165 | round of questions.

4166 |       Ms. Norton?

4167 Ms. NORTON. Mr. Paulison, I have got two questions I  
4168 really must get in. One really goes to the good faith of the  
4169 Agency, even after your testimony today.

4170 I want to ask you to look at this exhibit. We have an  
4171 exhibit from August, 2006, with a pamphlet on page 377 and  
4172 378 which was distributed to occupants of these trailers. We  
4173 have combed this exhibit, Exhibit U. We cannot find a  
4174 telephone number for people to call.

4175 Then there is another exhibit that the Committee  
4176 obtained, Exhibit T. This is e-mail from two FEMA employees,  
4177 and this is the quotation going to the good faith of what you  
4178 have said here today, sir. I think you need to indicate how  
4179 this happened. This is a question, a good faith question  
4180 from an employee. ``I don't see a number on it. Are you all  
4181 going to put your numbers on it? We here in MS--'' I guess  
4182 that is Mississippi--``would put our call number on it. Or  
4183 is the intent not to?''

4184 In response another FEMA employee says this in return.  
4185 ``Hi, Sid. We are trying to not generate a lot of calls,  
4186 just get the facts out.''

4187 You must explain, Mr. Paulison. I understand in earlier  
4188 questions you talked about how people should be in touch with  
4189 the companies. This is a FEMA document. How could you  
4190 possibly have put out a document on trailers and apparently  
4191 deliberately not give a contact number?

4192 Mr. PAULISON. Because the contact that they were  
4193 supposed to make is with their maintenance group, and that  
4194 number is posted inside the trailer.

4195 Ms. NORTON. But why did not the document say--

4196 Mr. PAULISON. They should have. But the--

4197 Ms. NORTON. So there was no number of any kind on the  
4198 document, just the fact that you may be in danger.

4199 Mr. PAULISON. The residents are told. They are given  
4200 clear instructions for documentation if there is any problem  
4201 with the--we have 27 different maintenance units across the  
4202 Gulf Coast. If there is any problems with that trailer, that  
4203 is what they are supposed to call.

4204 By printing the program office number on there, it would  
4205 just confuse things. We couldn't do different documents for  
4206 every--

4207 Ms. NORTON. You know what? You know what? Your  
4208 employees didn't think so. They thought they should be a  
4209 point of contact for you. You essentially were off-loading,  
4210 out-sourcing the rest of the deal. Look, you got problems,  
4211 it is between you and the contractor. But where did you get  
4212 the trailer from? You got it from FEMA, and FEMA off-loads  
4213 responsibility altogether. They could have gotten a thousand  
4214 different responses from trailer companies.

4215 The notion that you would out-source that responsibility  
4216 after you, yourself, were responsible for getting the trailer

4217 | for the resident creates a question of your good faith,  
4218 | particularly given what these employees were told.

4219 |         So I have to ask you, is there going to be a telephone  
4220 | number in FEMA that people can call with respect to problems  
4221 | with the trailers?

4222 |         Mr. PAULISON. The best place for them to deal with  
4223 | anything wrong with their trailer, including formaldehyde, is  
4224 | the maintenance contractors assigned to that particular  
4225 | service park. They are trained and know what the answers  
4226 | are.

4227 |         Ms. NORTON. You hear it now, Mr. Chairman. The trailer  
4228 | comes from FEMA. The trailer comes directly from FEMA, not  
4229 | from the contractor, not from the dealer.

4230 |         Mr. PAULISON. But they are the ones who we hired to take  
4231 | care of the maintenance of that trailer.

4232 |         Ms. NORTON. And so you are going to leave it to people  
4233 | of every level, every educational level, no background in  
4234 | trailers, to negotiate their way out of the problem? Who is  
4235 | going to pay for it? Who is going to pay for it, Mr.  
4236 | Paulison? Who is in charge of paying for it if there is a  
4237 | problem with formaldehyde or anything else in the trailer?

4238 |         Mr. PAULISON. We are.

4239 |         Ms. NORTON. I think that is the answer to the question,  
4240 | Mr. Paulison. If, in fact, you are the vendor, you have got  
4241 | to pay for it. You cannot tell me that the tenant has to

4242 | therefore negotiate the deal with the trailer company.

4243 |       Mr. PAULISON. There is no negotiation. That is the  
4244 | opening, the portal into the maintenance for the trailer.

4245 |       Ms. NORTON. Mr. Paulison, I have to ask you, are you  
4246 | willing now to give a FEMA number for people to call?

4247 |       Mr. PAULISON. That is our FEMA number. If we start  
4248 | confusing the residents with different numbers--

4249 |       Ms. NORTON. Are you willing to give a FEMA number if a  
4250 | resident in a trailer has a problem with the trailer that  
4251 | that resident got from you? Yes or no? Are you willing to  
4252 | do that, sir?

4253 |       Mr. PAULISON. We have a number. We put it inside the  
4254 | trailer for them to have right there at their hands. I don't  
4255 | know what else to tell you.

4256 |       Ms. NORTON. You are not willing to give a FEMA number?

4257 |       Mr. PAULISON. They have a FEMA--

4258 |       Ms. NORTON. If the tenant has a--

4259 |       Mr. PAULISON. That is a FEMA number. That is who they  
4260 | go to for--

4261 |       Ms. NORTON. Are you telling me that this is not still  
4262 | the case that he said we don't want to give the number out?  
4263 | Now you do give a FEMA number out? What is that number,  
4264 | please?

4265 |       Mr. PAULISON. That number is different for every park,  
4266 | because we have 27 different maintenance--

4267 Ms. NORTON. Is there a FEMA? Mr. Paulison, why can't I  
4268 get an answer. Is there a FEMA number?

4269 Mr. PAULISON. There is a FEMA number. That is the  
4270 number that FEMA uses for the occupants' access the  
4271 maintenance for that trailer.

4272 Ms. NORTON. You are telling me that your position still  
4273 is that, although you contracted for the trailer, the FEMA  
4274 number is the number of the trailer company, itself? Is that  
4275 your answer?

4276 Mr. PAULISON. No, it is not the trailer company. We  
4277 hire--

4278 Ms. NORTON. It is who?

4279 Mr. PAULISON. We hire maintenance contractors to  
4280 maintain those trailers. They make regular visits to the  
4281 trailer parks to the trailers to--

4282 Ms. NORTON. And the vendors deal directly with the--

4283 Mr. PAULISON. If there is any problem with that trailer,  
4284 they go to them. We pay those contractors. They are  
4285 basically our employees. I mean, that is who we use. We  
4286 train them. We give them instructions to--

4287 Ms. NORTON. I am sorry that none of the people are here  
4288 so we can find out if the system works.

4289 I understand you are going to have another hearing on  
4290 ice. We have had a hearing on food where millions of dollars  
4291 in food were wasted and other food had to be given away.

4292 Now, Mr. Chairman, just recently it was exposed to one of the  
4293 members of our Subcommittee who had a press conference on  
4294 this yesterday because his area, Memphis, is where some of  
4295 this ice was located, 22 locations where you stored ice. We  
4296 are told, common knowledge, ice has a one year shelf life.  
4297 Why did you not get rid of this ice within one year, Mr.  
4298 Paulison?

4299 Mr. PAULISON. The ice that we had has been tested--

4300 Ms. NORTON. It is \$12.5 million in storage costs to the  
4301 United States.

4302 Mr. PAULISON. The ice is a commodity that has an  
4303 expiration date. We kept it as long as we could, and we made  
4304 the decision to get rid of it, and the only way to get rid of  
4305 it is to let it melt.

4306 Ms. NORTON. My question is, Katrina has been over for a  
4307 long time. So has the following year when there might have  
4308 been hurricanes. If you had gotten rid of the ice earlier,  
4309 there would have been a mitigation cost to the taxpayer; is  
4310 that not true?

4311 Mr. PAULISON. If we had gotten rid of it earlier, but we  
4312 still felt the ice had life expectancy. We kept it as long  
4313 as we could, and then we made a decision to get rid of it.  
4314 We are not going to store ice any more. We have made a  
4315 decision now to use outside contractors. It is not a  
4316 life-saving commodity. We don't need it today. You can wait

4317 | until tomorrow to get it. Food and water is a lifesaving  
4318 | commodity. We will still store those things, but the ice we  
4319 | will not.

4320 | Chairman WAXMAN. The gentlelady's time has expired.

4321 | Mr. Sarbanes, do you wish a second round?

4322 | Mr. SARBANES. Real briefly, Mr. Chairman. I am not  
4323 | going to ask any more questions about why you did or didn't  
4324 | do the things you did or didn't do, because the answers are  
4325 | so implausible to me, but I think I have figured out maybe  
4326 | what was going on. The behavior of the Agency was irrational  
4327 | if the Agency was one that wanted to know what was going on.  
4328 | In other words, you can't square what you did with a desire  
4329 | to get to the bottom of the issue. It is irrational  
4330 | behavior. And human beings are fundamentally, when they have  
4331 | possession of all their faculties, human beings act in a  
4332 | rational way, so I am trying to figure out what would make  
4333 | the behavior rational.

4334 | The only thing that makes the behavior of the Agency and  
4335 | its leadership rational would be if you didn't want to know  
4336 | and you didn't want to take responsibility. That would  
4337 | explain why you wouldn't do testing that was obviously called  
4338 | for. That would explain why, when you did to the testing,  
4339 | you would do it under these highly contrived conditions in  
4340 | order to try to get to a result that would be favorable.  
4341 | That would explain why, when you did the testing, you did it

4342 | on trailers that were not occupied, because if you found a  
4343 | bad result you could then, in a very legalistic way,  
4344 | distinguish it from those who were occupying the trailers  
4345 | because you could say, well, the fact that these trailers  
4346 | that are unoccupied have dangerous levels doesn't mean that  
4347 | the trailers that are occupied have dangerous levels.

4348 |         So every step of the way it was calculated to not know  
4349 | or not take responsibility. I have reached that conclusion  
4350 | because you strike me as a rational person, and the only way  
4351 | to explain your behavior in a rational way is to conclude  
4352 | that you didn't want to know and you didn't want to take  
4353 | responsibility.

4354 |         No further question.

4355 |         Chairman WAXMAN. Mr. Murphy?

4356 |         Mr. MURPHY. Thank you, Mr. Chairman.

4357 |         Just a few final questions, if I am one of the last  
4358 | people to ask. I want to make sure this problem doesn't  
4359 | spread. I mean, you certainly hear the combination of  
4360 | frustration, exasperation, and disbelief from members of this  
4361 | panel, but I want to talk about where these trailers are  
4362 | moving from here.

4363 |         I understand that a lot of these trailers, as people no  
4364 | longer need them in the Gulf region, are moving to other  
4365 | places. I want to ask the simple question what procedures  
4366 | you are putting in place to make sure that none of the

4367 | trailers that have any formaldehyde contamination or have any  
4368 | reasonable belief of formaldehyde contamination are reaching  
4369 | other parts of this Country and other buyers who are looking  
4370 | for those trailers.

4371 |       Mr. PAULISON. We are selling the trailers. We are  
4372 | excessing through GSA. Based on what we know now, what we  
4373 | are going to have to do is make sure those buyers understand  
4374 | that these are meant for camping, not for long-term living;  
4375 | that they do have formaldehyde in them, and here is  
4376 | assistance for that. So we are going to have to do that with  
4377 | every trailer we sell as we get rid of them. Other than  
4378 | that, we will just take them and crush them and put them in a  
4379 | dumpster somewhere, and I don't think that is fiscally  
4380 | responsible, considering that every travel trailer is built  
4381 | basically the same. People either buy them from a travel  
4382 | agency or buy them used from us. In fact, the used ones would  
4383 | have less formaldehyde than a brand new one.

4384 |       So we do excess them through GSA to get rid of them. We  
4385 | have had, I think, over 20,000 people who have those travel  
4386 | trailers now want to keep them once they have moved out of  
4387 | them. I don't know what we are going to do with that yet,  
4388 | but they have sent us notification. They have asked for  
4389 | those, but they want to keep them for camping trailers, not  
4390 | to live in, obviously.

4391 |       Mr. MURPHY. And I don't know what the answer to this is.

4392 I don't know when you cut your losses here. I understand  
4393 the need to always be mindful of fiscal responsibility, but  
4394 to the extent there is any level of formaldehyde that even in  
4395 the short term or the long term, because this is probably not  
4396 going to be the last owner of the trailers, they are going to  
4397 be transferred again and again and again, and to somehow rely  
4398 on the fact that that information is going to be disclosed as  
4399 they get transferred seems like a pretty dangerous policy  
4400 when we have our hands on them right now.

4401 I mean, just as a for instance, Mr. Paulison, this  
4402 Committee I know contacted the Texas Parks and Wildlife  
4403 Department where some of these trailers are transferred to.  
4404 They tested them once they got them and found levels of  
4405 formaldehyde above the .1 parts per million. So we already  
4406 know people have them that have tested them, themselves, and  
4407 found levels that they consider to be excessively high.

4408 I would just ask you to really reconsider that point as  
4409 to whether disclosure is going to be the best policy going  
4410 forward. We may have to cut our losses here on trailers that  
4411 have been contaminated and known to have harmed people  
4412 already.

4413 Mr. PAULISON. Again, as we learn more and more about  
4414 these things, that is definitely a public policy discussion  
4415 we have to have with what we are going to do with them. I  
4416 think your comments are right on target.

4417 Chairman WAXMAN. Thank you very much, Mr. Murphy.

4418 Mr. Paulison, as I said to you before we even started  
4419 this hearing, our job is to find out what happened and make  
4420 sure it doesn't happen again. We are trying to be  
4421 constructive, but I think we all have to be responsible. Our  
4422 job is to do responsible oversight, and I hope you will look  
4423 to see whether your Agency has handled all of this in a  
4424 responsible manner.

4425 Thank you very much for being here.

4426 Mr. PAULISON. Thank you, sir. Again, I meant what I  
4427 said earlier. I appreciate what you do in the hearing. I  
4428 think a lot of good things are going to come out of it at the  
4429 end of the day.

4430 Chairman WAXMAN. Thank you. That concludes our business  
4431 at this hearing. We stand adjourned.

4432 [Whereupon, at 2:10 p.m., the Committee was adjourned.]

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